

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2                                   \_\_\_\_\_

3   TED MICHAEL DONKO,                                   )       No. 81075

4   Appellant,                                   )

5   v.   )

6   )

7   THE STATE OF NEVADA,                                   )

8   Respondent.                                   )

Electronically Filed  
Dec 09 2020 03:57 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

9   \_\_\_\_\_)

10                                   **APPELLANT'S APPENDIX VOLUME I PAGES 001-217**

11   DARIN IMLAY  
12   Clark County Public Defender  
13   309 South Third Street  
14   Las Vegas, Nevada 89155-2610

15   Attorney for Appellant

STEVE WOLFSON  
Clark County District Attorney  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, Nevada 89155

AARON FORD  
Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(702) 687-3538

Counsel for Respondent

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**TED MICHAEL DONKO**  
**Case No. 81075**

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JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY, NEVADA

LAS VEGAS JUSTICE COURT  
FILED IN OPEN COURT

NOV 26 2019

BY:     *FD*    

THE STATE OF NEVADA,

Plaintiff,

-VS-

TED MICHAEL DONKO #2668752,

Defendant.

CASE NO: 19F24531X

DEPT NO: 9

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031) and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460), in the manner following, to wit: That the said Defendant, on or about the 1st day of October, 2019, at and within the County of Clark, State of Nevada,

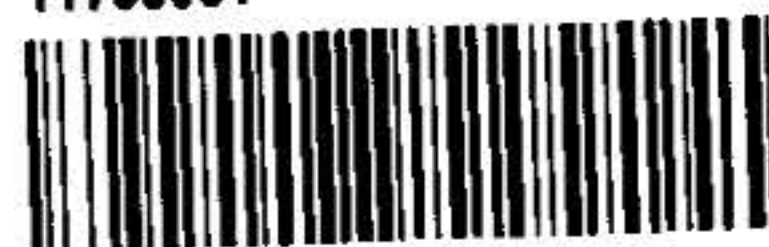
COUNT 1 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: JONATHAN SANCHEZ, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said JONATHAN SANCHEZ, resulting in substantial bodily harm to JONATHAN SANCHEZ.

COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: FERNANDO ESPINOZA, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said FERNANDO ESPINOZA, resulting in substantial bodily harm to FERNANDO ESPINOZA.

19F24531X  
CRM  
Criminal Complaint  
11780501



W:\2019\2019F\245\31\19F24531-COMP-001.DOCX



1 COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
3 JONATHAN SANCHEZ, a human being, with use of a deadly weapon, to wit: a firearm, by  
4 shooting at and into the body of the said JONATHAN SANCHEZ.

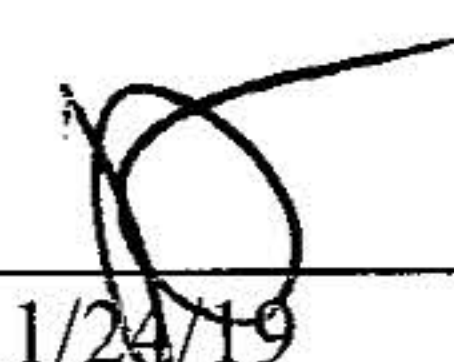
5 COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

6 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
7 FERNANDO ESPINOZA, a human being, with use of a deadly weapon, to wit: a firearm, by  
8 shooting at and into the body of the said FERNANDO ESPINOZA.

9 COUNT 5 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

10 did willfully, unlawfully, and feloniously own, or have in his possession and/or under  
11 his custody or control, a firearm, to wit: an unknown .40 caliber semi-automatic firearm, the  
12 Defendant being a convicted felon, having in 2014, been convicted of Attempt Burglary, in  
13 Case No. C298636 and/or having in 2012, been convicted of Attempt Grand Larceny, in Case  
14 No. C274598, in the Eighth Judicial District Court, Clark County, felonies under the laws of  
15 the State of Nevada.

16 All of which is contrary to the form, force and effect of Statutes in such cases made and  
17 provided and against the peace and dignity of the State of Nevada. Said Complainant makes  
18 this declaration subject to the penalty of perjury.

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20   
21 11/24/19  
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26

27 19F24531X/lal  
28 LVMPD EV# 191000002219  
(TK9)



**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: PC

**Court Minutes**



L011770362

**PC19F24531X State of Nevada vs. Donko, Ted Michael**

**11/24/2019 9:00:00 AM Initial Appearance  
Justice Court (PC Review)**

Result: Matter Heard

**PARTIES PRESENT:** State Of Nevada Fattig, John

**Judge:** Baucum, Suzan

**Court Clerk:** Cardenas, Pompeya

**PROCEEDINGS**

**Hearings:** 11/26/2019 7:30:00 AM: Status Check on Filing of Criminal Complaint Added

**Events:** **Defendant not Transported**

*Refused*

**Probable Cause Found**

**Counsel Provisionally Appointed**

*J. Bayudan, Esq. provisionally appointed for limited purposes of first appearance hearing.*

**Bail Argument Heard**

*The Court has heard arguments from the prosecution and defense counsel regarding custody of the Defendant*

**Bail Reset - Cash or Surety**

*Counts: 001; 002; 003; 004; 005; 006; 007 - \$50,000.00/\$50,000.00 Total Bail*

**Release Order - Bail AND Electronic Monitoring -  
High Level**

**No Contact with Victim**

**Bail Condition - Stay Away From Victim**

*and Victim's Address*

**Continued for Status Check on filing of Criminal  
Complaint**

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 09

**Court Minutes**



L011780616

**19F24531X State of Nevada vs. Donko, Ted Michael**

**11/26/2019 7:30:00 AM Status Check on Filing of Criminal Complaint (In Custody)** Result: Matter Continued

**PARTIES PRESENT:** State Of Nevada      Beaumont, Austin

**Judge:** Bonaventure, Joseph M.

**Court Reporter:** Camgemi, Robert

**Court Clerk:** Veloz, Edward

**PROCEEDINGS**

**Hearings:** 11/27/2019 7:30:00 AM: Initial Appearance Added

**Events: Criminal Complaint**

*Filed in open court.*

**Defendant not Transported**

*Refusal*

**Defendant to be Transported to Court by any Means Necessary**

*Unless deemed unsafe by the Clark County Detention Center*

**Bail Stands - Cash or Surety** Amount: \$50,000.00

*Counts: 001; 002; 003; 004; 005 - \$50,000.00/\$50,000.00 Total Bail*

**Release Order - Bail AND Electronic Monitoring - High Level**

**Bail Condition - Stay Away From Victim**

*and Victim's Address*

**No Contact with Victim**



**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 09

**Court Minutes**



L011786108

**19F24531X State of Nevada vs. Donko, Ted Michael**

Lead Atty: Public Defender

**11/27/2019 7:30:00 AM Initial Appearance (In Custody)**

Result: Matter Heard

**PARTIES PRESENT:**

State Of Nevada	Holloway, Quanisha S
Attorney	Compton, Katherine
Defendant	Donko, Ted Michael

**Judge:** Bonaventure, Joseph M.

**Court Reporter:** Nelson, Bill

**Court Clerk:** Veloz, Edward

**PROCEEDINGS**

<b>Attorneys:</b>	<b>Compton, Katherine</b>	DONKO, TED	Added
	<b>Public Defender</b>	DONKO, TED	Added
<b>Hearings:</b>	12/12/2019 9:00:00 AM: Preliminary Hearing		Added

**Events:**

**Initial Appearance Completed**

*Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint*

**Defendant Identified as Indigent**

*Defendant and the Court discussed the appointment of counsel and defendant requested appointment of counsel.*

**Public Defender Appointed**

**Bail Stands - Cash or Surety** *Amount: \$50,000.00*

*Counts: 001; 002; 003; 004; 005 - \$50,000.00/\$50,000.00 Total Bail*

**Release Order - Bail AND Electronic Monitoring - High Level**

**Released from Custody - DA Denial**

**Bail Condition - Stay Away From Victim**

*and Victim's address*

**No Contact with Victim**

**Justice Court, Las Vegas Township  
Clark County, Nevada**

**Court Minutes**

Department: 09



L011841686

**19F24531X State of Nevada vs. Donko, Ted Michael**

Lead Atty: Public Defender

**12/12/2019 9:00:00 AM Preliminary Hearing (In Custody)**

Result: Matter Continued

<b>PARTIES PRESENT:</b>	State Of Nevada	Cannizzaro, Nicole
	Attorney	Hauser, Robson
	Defendant	Donko, Ted Michael

**Judge:** Bonaventure, Joseph M.

**Court Reporter:** Nelson, Bill

**Court Clerk:** Falcon, Kristian

**PROCEEDINGS**

<b>Attorneys:</b>	<b>Hauser, Robson</b>	DONKO, TED	Added
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<b>Hearings:</b>	12/18/2019 9:00:00 AM: Preliminary Hearing	Added
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**Events:** **Hill Motion by State to Continue - Granted**  
*Witness Not Present - With objection by Defense*

**Preliminary Hearing Date Reset**  
*Date set at Defense's request*

**Oral Motion**  
*by Defense to release Defendant on own recognizance or revise Electronic Monitoring to Medium level - State objects - Defense's request Denied*

**Bail Stands - Cash or Surety** *Amount: \$50,000.00*  
*Counts: 001; 002; 003; 004; 005 - \$50,000.00/\$50,000.00 Total Bail*

**Bail Condition - Stay Away From Victim**  
*and Victim's address*

**No Contact with Victim**

**Release Order - Bail AND Electronic Monitoring - High Level**



**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 09

**Court Minutes**



L011868508

**19F24531X State of Nevada vs. Donko, Ted Michael**

Lead Atty: Public Defender

**12/18/2019 9:00:00 AM Preliminary Hearing (In custody)**

Result: Bound Over

<b>PARTIES PRESENT:</b>	State Of Nevada Attorney Defendant	Cannizzaro, Nicole Hauser, Robson Donko, Ted Michael
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**Judge:** Bonaventure, Joseph M.

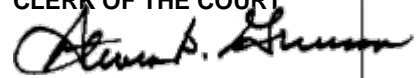
**Court Reporter:** Cangemi, Robert

**Court Clerk:** Falcon, Kristian

<b>PROCEEDINGS</b>
--------------------

<b>Exhibits:</b>	<b>Document, Photograph, Etc. (ID: 001)</b>	<i>Order for Revocation of Probation</i>	Admitted
	<b>Document, Photograph, Etc. (ID: 002)</b>	<i>Judgement</i>	Admitted
	<b>Document, Photograph, Etc. (ID: 003)</b>	<i>Photo Line-Up Instructions</i>	Admitted





INFM  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
NICOLE J. CANNIZZARO  
Chief Deputy District Attorney  
Nevada Bar #011930  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

I.A. 12/20/19  
10:00 AM  
PD

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,

-vs-

TED MICHAEL DONKO,  
#2668752

Defendant.

CASE NO: C-19-345584-1

DEPT NO: XXV

**INFORMATION**

STATE OF NEVADA     )  
                                  ) ss.  
COUNTY OF CLARK    )

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That TED MICHAEL DONKO, the Defendant(s) above named, having committed the crimes of **BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201); DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442); and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)**, on or about the 1st day of October, 2019, within the County of

Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: JONATHAN SANCHEZ, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said JONATHAN SANCHEZ, resulting in substantial bodily harm to JONATHAN SANCHEZ.

COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: FERNANDO ESPINOZA, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said FERNANDO ESPINOZA, resulting in substantial bodily harm to FERNANDO ESPINOZA.

COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill JONATHAN SANCHEZ, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said JONATHAN SANCHEZ.

COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill FERNANDO ESPINOZA, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said FERNANDO ESPINOZA.

COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill DEANDRE WOODS, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at the said DEANDRE WOODS.

//

//

1 COUNT 6 - ASSAULT WITH A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and intentionally place another person in  
3 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully  
4 attempt to use physical force against another person, to wit: DEANDRE WOODS, with use of  
5 a deadly weapon, to wit: a firearm, by pointing and/or shooting said firearm at the said  
6 DEANDRE WOODS.

7 COUNT 7 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
8 VEHICLE, AIRCRAFT, OR WATERCRAFT

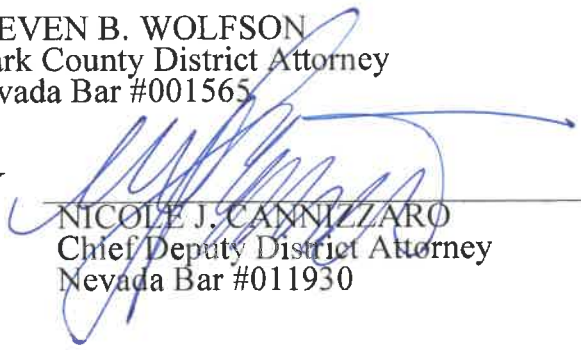
9 did then and there willfully, unlawfully, maliciously, and feloniously discharge a  
10 firearm at or into a structure, said structure, not having been abandoned, located at 56 Linn  
11 Lane, Las Vegas, Clark County, Nevada.

12 COUNT 8 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

13 did willfully, unlawfully, and feloniously own, or have in his possession and/or under  
14 his custody or control, a firearm, to wit: an unknown .40 caliber semi-automatic firearm, the  
15 Defendant being a convicted felon, having in 2014, been convicted of Attempt Burglary, in  
16 Case No. C298636 and/or having in 2012, been convicted of Attempt Grand Larceny, in Case  
17 No. C274598, in the Eighth Judicial District Court, Clark County, felonies under the laws of  
18 the State of Nevada.

19 STEVEN B. WOLFSON  
20 Clark County District Attorney  
Nevada Bar #001565

21 BY

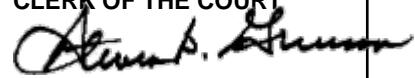
22   
23 NICOLE J. CANNIZZARO  
24 Chief Deputy District Attorney  
25 Nevada Bar #011930  
26  
27  
28



Names of witnesses known to the District Attorney's Office at the time of filing this  
Information are as follows:

<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS	CCDC
CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
CUSTODIAN OF RECORDS	LVMPD RECORDS
ESPINOZA, FERNANDO	C/O DISTRICT ATTORNEY'S OFFICE
MARIN, J.	LVMPD P#15026
RAFALOVICH, MARCO or Designee	CCDA INVESTIGATOR
RAMOS-GRAJEDA, GENARO	C/O DISTRICT ATTORNEY'S OFFICE
SANCHEZ-LOZA, JONATHAN	C/O DISTRICT ATTORNEY'S OFFICE
STAFFOD, E.	LVMPD P#13642
WOODS, DEANDRE	C/O DISTRICT ATTORNEY'S OFFICE

19F24531X/lm/GU  
LVMPD EV#191000002219  
(TK9)



NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
NICOLE J. CANNIZZARO  
Chief Deputy District Attorney  
Nevada Bar #011930  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

TED MICHAEL DONKO,  
#2668752

Defendant.

CASE NO: C-19-345584-1

DEPT NO: XXV

**STATE'S NOTICE OF WITNESSES AND/OR EXPERT WITNESSES**  
**[NRS 174.234]**

TO: TED MICHAEL DONKO, Defendant; and  
TO: PUBLIC DEFENDER'S OFFICE, Counsel of Record:  
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses in its case in chief:

<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS	CCDC
CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
CUSTODIAN OF RECORDS	LVMPD RECORDS
ESPINOZA, FERNANDO	C/O DISTRICT ATTORNEY'S OFFICE
MARIN, J.	LVMPD P#15026
RAFALOVICH, MARCO or Designee	CCDA INVESTIGATOR
RAMOS-GRAJEDA, GENARO	C/O DISTRICT ATTORNEY'S OFFICE

1 SANCHEZ-LOZA, JONATHAN C/O DISTRICT ATTORNEY'S OFFICE  
2 STAFFORD, E. LVMPD P#13642

3 WOODS, DEANDRE C/O DISTRICT ATTORNEY'S OFFICE

4 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
5 NEVADA intends to call the following expert witnesses in its case in chief:

6 AOYAMA, KATHRYN – LVMPD P#8025 (or designee): LATENT PRINT  
7 EXAMINER - Expert in the science and techniques of fingerprint comparison, and  
8 comparisons done in this case and any reports prepared therefrom.

9 CHEN-HUNYH, STEPHANIE – LVMPD #16064 (or designee): CRIME SCENE  
10 ANALYST II: Expert in the identification, documentation, collection and preservation of  
11 evidence and is expected to testify as an expert to the identification, documentation, collection  
12 and preservation of the evidence in this case.

13 GAUTHIER, KELLIE – LVMPD P#8691 (or designee): Expert in the field of DNA  
14 extractions, comparisons, analysis, and the identification of bodily fluids and is expected to  
15 testify thereto.

16 GROVER, BRADLEY – LVMPD P#4934 (or designee): CRIME SCENE ANALYST:  
17 Expert in the identification, documentation, collection and preservation of evidence and is  
18 expected to testify as an expert to the identification, documentation, collection and  
19 preservation of the evidence in this case.

20 MORRISON, MAELEEN – LVMPD #16191 (or designee): CRIME SCENE  
21 ANALYST: Expert in the identification, documentation, collection and preservation of  
22 evidence and is expected to testify as an expert to the identification, documentation, collection  
23 and preservation of the evidence in this case.

24 STRUMILLO, JENNIFER – LVMPD #16067 (or designee): CRIME SCENE  
25 ANALYST: Expert in the identification, documentation, collection and preservation of  
26 evidence and is expected to testify as an expert to the identification, documentation, collection  
27 and preservation of the evidence in this case.

28 //



1        WRIGHT, AMANDA - LVMPD P#9974 (or designee): FIREARMS/TOOLMARKS  
2 EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is  
3 expected to testify thereto, including, but not limited to, the forensic science underlying  
4 firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology,  
5 microscopic comparison tools, technology, and findings, National Integrated Ballistic  
6 Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms  
7 identification, operation, trigger pull, failure, capacity, and capability, ammunition,  
8 composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern  
9 analysis (cartridge cases), distance determination, suppressors/silencers (commercial and  
10 homemade) examination, serial number restoration, and firearms modification or homemade  
11 firearms examination).

12        These witnesses are in addition to those witnesses endorsed on the Information or  
13 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
14 Witnesses has been filed.

15        The substance of each expert witness' testimony and copy of all reports made by or at  
16 the direction of the expert witness has been provided in discovery.

17        A copy of each expert witness' curriculum vitae, if available, is attached hereto.

18                                STEVEN B. WOLFSON  
19                                Clark County District Attorney  
20                                Nevada Bar #001565

21                                BY /s/ NICOLE J. CANNIZZARO  
22                                NICOLE J. CANNIZZARO  
23                                Chief Deputy District Attorney  
24                                Nevada Bar #011930

25                                CERTIFICATE OF ELECTRONIC MAIL

26        I hereby certify that service of the foregoing, was made this 30th day of December,  
27 2019, by Electronic Mail to:

28                                PUBLIC DEFENDER'S OFFICE  
                                 E-mail Address: pdclerk@ClarkCountyNV.gov

/s/ Laura Mullinax  
                                 Secretary for the District Attorney's Office

lm/GU

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
FORENSIC LABORATORY  
STATEMENT OF QUALIFICATIONS**

Date: 06/25/10

Name: Kathryn Aoyama

P#: 8025

Classification: Forensic Scientist I

Current Discipline of Assignment: Latent Prints

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints	X	Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	
EDUCATION			
Institution	Dates Attended	Major	Degree Completed
University of California, San Diego	9/84 to 6/89	Biology	B.A.
University of Nevada, Las Vegas	8/83 to 5/84	Biology	None
ADDITIONAL TRAINING / SEMINARS			
Course / Seminar	Location	Dates	
ASCLD /LAB International Preparation Course	Henderson, NV	12/01-12/03/09	
Nevada State IAI Tristate Conference – IND/Zn Workshop	Las Vegas, NV	10/07/09	
Latent Print Certification Preparation	Las Vegas, NV	06/08-06/10/09	
Analysis of Distortion in Latent Prints	Las Vegas, NV	02/09-02/10/09	
GWS-L Latent User Methods and Operations	Las Vegas, NV	09/17-09/18/08	
RUVIS Training	Las Vegas, NV	8/6/2008	
Application of Statistics to Ridgeology And ACE-V Methodology	Las Vegas, NV	3/31-4/04/08	
Witnessing 101 - Clark County DA's Office	Las Vegas, NV	5/9/08	

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Application of Statistics to Ridgeology and the ACE-V Methodology	Las Vegas, NV	3/31 to 4/4/08
Forensic Photography	Las Vegas, NV	2/11-2/13/08
24-Hour Application Study in Forensic Photography	Las Vegas, NV	02/14/08
Forensic Digital Imaging	Las Vegas, NV	1/7/08 - 1/10/08
2007 2 <sup>nd</sup> Tri-Division IAI Educational Conference	Salt Lake City, UT	11/6/07 - 11/9/07
IAI 92 <sup>nd</sup> International Educational Conference	San Diego, CA	7/23/07 - 7/27/07
Driver=s Training	Las Vegas, NV	7/3/07
2006 1 <sup>st</sup> Tri-Division IAI Educational Conference	Henderson, NV	8/21/06 - 8/24/06
Forensic Photography II	Las Vegas, NV	1/06 - 5/06
Testifying in Court	Las Vegas, NV	11/30/05
Problem Solving, Independent Decision Making	Las Vegas, NV	8/10/05
Effective Interpersonal Communication	Las Vegas, NV	6/23/05
Searching Public Records Part I and II	Las Vegas, NV	3/2/05 - 3/3/05
Criminal Law for Civilians	Las Vegas, NV	11/4/04
Forensic Photography I	Las Vegas, NV	8/04 - 12/04
Forensic Science 101 and 201, American Institute of Applied Science	NC	8/03 - 5/04
COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
Las Vegas, NV District Court 7	Latent Prints	2
Las Vegas, NV District Court 6	Latent Prints	1
EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist I - Latent Prints	4/08 to present

EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist Trainee - Latent Prints	3/07 to 4/08
PROFESSIONAL AFFILIATIONS		
Organization	Date(s)	
International Association for Identification (IAI)	7-10-07 to present	

PUBLICATIONS / PRESENTATIONS:
<b>Presentations:</b>
05/04/10 Poster Presentation: Latent Prints from Firearms Evidence (Statistics 2008-2009), Association of Firearms & Tool Mark Examiners Training Seminar, Henderson, NV
06/11/08 "Historical and Scientific Development of Latent Print Methodologies", LVMPD, Las Vegas, NV
1/16/08 "Introduction to Latent Print Collection", LVMPD Laughlin Substation, NV
11/7/07 "Back to Basics - The Biological Basis for Latent Print Examination", 2 <sup>nd</sup> Tri-Division IAI Educational Conference, Salt Lake City, UT
08/21/07 "Disguising and Disrupting Fingerprints", LVMPD, Las Vegas, NV
08/07/07 "Distortion in Latent Prints", LVMPD, Las Vegas, NV
06/14/07 "Ridge Flows and Crease Patterns of the Hands and Feet", LVMPD, Las Vegas, NV
OTHER QUALIFICATIONS:
None





## ASCLD/LAB-International Application for Accreditation Attachment 2

### Statement of Qualifications

Name	Stephanie Chen-Huynh P# 16064	Date	08/22/2018
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Forensic Service Provider	Las Vegas Metropolitan Police Department – Crime Scene Investigations Section
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Job Title	Crime Scene Analyst I
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Indicate all disciplines in which you currently perform testing or calibration work:

<input type="checkbox"/>	Drug Chemistry	<input type="checkbox"/>	Biology
<input type="checkbox"/>	Firearms/Toolmarks	<input type="checkbox"/>	Questioned Documents
<input type="checkbox"/>	Trace Evidence	<input checked="" type="checkbox"/>	Crime Scene
<input type="checkbox"/>	Latent Prints	<input type="checkbox"/>	Toxicology - Testing
<input type="checkbox"/>	Digital & Multimedia Evidence	<input type="checkbox"/>	Toxicology - Calibration

For each discipline checked in the table above, list all category(ies) in which you perform work:

Crime Scene Investigation; Body Fluid Identification
--

**Education:** List all higher academic institutions attended (list high school only if no college degree has been attained).

Institution	Dates Attended	Major	Degree Completed
University of Nevada Las Vegas	2012-2017	Criminal Justice	Bachelor of Arts
University of Phoenix	10/2016		

**Continuing Education:** List formal coursework, conferences, workshops, in-service and other training received applicable to past and current forensic related positions.

Course Title	Source of Training	Date(s) of Training
Crime Scene Analyst Academy	LVMPD Las Vegas, NV	09/12/16 - 11/23/16
Hazardous Materials Evidence Collection for CBRNE Incidents	Center for Domestic Preparedness Anniston, AL	11/15/17-11/17/17
Basic Medicolegal Death Investigation Training	International Association of Coroners & Medical Examiners; Las Vegas, NV	07/22/18-07/26/18

**Testimony:** Complete the information below for testimony provided.

Discipline or Category of Testimony	Period of Time in Which Testimony Occurred	Approximate Number of Times Testified
Crime Scene Investigation	09/01/2016 to present	0

**Professional Affiliations:** List professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

Organization	Period of Membership	Offices or Positions Held/Dates

**Employment History:** List all scientific or technical positions held, particularly those related to forensic science. **List current position first.** Add additional sections as necessary.

<b>Job Title</b>	Crime Scene Analyst I	<b>Tenure</b>	09/01/2016 to present
<b>Employer</b>	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagramming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

<b>Job Title</b>		<b>Tenure</b>	
<b>Employer</b>			
Provide a brief description of principal duties:			

<b>Job Title</b>		<b>Tenure</b>	
<b>Employer</b>			
Provide a brief description of principal duties:			

<b>Job Title</b>		<b>Tenure</b>	
<b>Employer</b>			
Provide a brief description of principal duties:			

<b>Job Title</b>		<b>Tenure</b>	
<b>Employer</b>			
Provide a brief description of principal duties:			

**Other Qualifications:** List below all personal certifications identifying the issuing organization and the dates; all scientific publications and/or presentations you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualifications.

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**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
FORENSIC LABORATORY  
STATEMENT OF QUALIFICATIONS**

Date: 06/28/10

Name: Kellie M. (Wales) Gauthier

P#: 8691

Classification: Forensic Scientist II

Current Discipline of Assignment: DNA/Biology

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	X	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Quality Assurance		Technical Support /	X
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University of West Florida	8/98 - 5/02	Biology	B.S.
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
ASCLD/LAB- International Preparation Course	Henderson, NV	12/01-12/03/09	
Cold Case Analysis Training	Chicago, IL	07/15-07/16/09	
Hair Evaluation for DNA Analysis	Las Vegas, NV (Online Course)	01/14/09	
Annual Review of DNA Data Accepted at NDIS	Las Vegas, NV (Online Course)	11/18/08	
Seminar: The Parachute Case	Washington DC	02/22/08	
Seminar: Bringing Forensic Science to the Battlefield	Washington DC	02/21/08	
Seminar: Human Identification in a Post 9/11 World	Washington DC	02/20/08	

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Workshop: DNA Mixture Interpretation	Washington DC	02/19/08
Conference: American Academy of Forensic Sciences 60 <sup>th</sup> Annual Meeting	Washington DC	02/19/08-02/23/08
Annual Review of DNA Data Accepted at NDIS	Las Vegas, NV	01/31/08
Applied Biosystems Training on 3130xl Genetic Analyzer	Las Vegas, NV	11/01/07
Workshop: Forensic DNA Profiling	Las Vegas, NV	01/25-26/07
Workshop: Forensic Population Genetics and Statistics	Las Vegas, NV	11/27/06
FBI CODIS Training	McLean, VA	11/06
Conference: Bode Advanced DNA Technical Workshop	Captiva Island, FL	06/06
Workshop: Presenting Statistics in the Courtroom	Captiva Island, FL	06/06
Training: Differential Extraction	Las Vegas, NV	06/06
Training: Serological Techniques and DNA Screening - Colleen Proffitt, MFS	Las Vegas, NV	5/06
Conference: American Academy of Forensic Sciences 58 <sup>th</sup> Annual Meeting	Seattle, WA	2/20/06-2/25/06
Seminar: Racial Profiling SNP's	Seattle, WA	2/23/06
Seminar: The Atypical Serial Killer	Seattle, WA	2/22/06
Seminar: Bioterrorism Mass Disasters	Seattle, WA	2/21/06
Workshop: Sexual Homicide - Fantasy Becomes Reality	Seattle, WA	2/21/06
Workshop: Advanced Topics in STR DNA Analysis	Seattle, WA	2/20/06
National Incident Management System (NIMS) an Introduction	Las Vegas, NV	8/05
Drivers Training II	Las Vegas, NV	7/05

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Workshop: Future Trends in Forensic DNA Technology - Applied Biosystems	Orlando, FL	9/04
Workshop: Southern Association of Forensic Scientists (SAFS) - Paternity Index DNA Statistics	Orlando, FL	9/04
Workshop: Forensic Epidemiology - Joint Training for Law Enforcement Hazardous Materials and Public Health Officials on Investigative Response to Bio-terrorism	Orlando, FL	7/04
Forensic Technology Training - Florida Department of Law Enforcement	Orlando, FL	4/04
Biology Discipline Meeting	Tampa, FL	3/04
Workshop: Future Trends in Forensic DNA Technology - Applied Biosystems	Orlando, FL	9/03
COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Clark County: Justice, District	DNA	30
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Department	Forensic Scientist	5/05 - present
Florida Dept. of Law Enforcement	Forensic Technologist	8/03 - 5/05
PROFESSIONAL AFFILIATIONS		
<i>Organization</i>	<i>Date(s)</i>	
American Academy of Forensic Sciences - Trainee Affiliate	10/06 - 12/09	
PUBLICATIONS / PRESENTATIONS:		
None		
OTHER QUALIFICATIONS:		
None		



# Curriculum Vitae

## Las Vegas Criminalistics Bureau Statement of Qualifications

Name: Bradley Grover

P# 4934

Date: 10-1-03

<b>CURRENT CLASSIFICATION</b>			
	<i>Classification</i>	<i>Minimum Qualifications</i>	
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.	
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.	
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.	
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.	
<b>FORMAL EDUCATION</b>			
	<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
	UNLV	Science	Bachelor-1987
<b>TESTIMONY</b>			
Yes	No		
<b>EMPLOYMENT HISTORY</b>			
	<i>Employer</i>	<i>Title</i>	<i>Date</i>
	LVMPD	Sr. Crime Scene Analyst	4-3-95

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
05-17-87	Bachelor of Science	University of Nevada	Degree
04-17-95	Range Training	LVMPD	4
04-07-95	Introductory Crime Scene Analyst Training	LVMPD	40
05-09-95	FATS Training	LVMPD	2
05-18-95	Driver Training - Level 2	LVMPD	2
06-30-95	Duty Weapon Qualification	LVMPD	1
08-02-95	New Civilian Employee Orientation	LVMPD	7
09-05-95	Range Training	LVMPD	1
09-30-95	Duty Weapon Qualification	LVMPD	1
11-29-95	Video - Courtroom Skills and Tactics	LVMPD	31 Min.
02-14-96	Forensic Science	American Institute of Applied Science	240
03-08-96	Firearms/Range Training	LVMPD	1
03-31-96	Duty Weapon Qualification	LVMPD	1
05-14-96	Firearms/Range Training	LVMPD	1
06-05-96	Verbal Judo	LVMPD	8
06-18-96	Oleoresin - Civilian	LVMPD	2
06-18-96	Combat Shooting Simulator/FATS Training	LVMPD	1
06-22-96	CAPSTUN Training	LVMPD	1.5
06-30-96	Duty Weapon Qualification	LVMPD	2
07-22-96	Gunshot and Stab Wounds: A Medical Examiner's View-	Barbara Clark Mims Associates	8
09-10-96	Firearms/Range Training	LVMPD	1
09-23 to 09-27-96	Crime Scene Technology II	Northwestern University, Traffic Institute	40
09-30-96	Duty Weapon Qualification	LVMPD	2
10-07 to 10-11-96	Fingerprinting Classification	Law Enforcement Officers Training School	40
11-27-96	Ultraviolet (UV) Light Orientation and Safety Presentation	LVMPD	1
01-28-97	Firearms/Range Training	LVMPD	1.5
02-18 to	Top Gun Training	LVMPD	21

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
02-20-97			
02-27-97	Moot Court - Video	LVMPD	2
03-30-97	Duty Weapon Qualification	LVMPD	2
04-23, 24 & 04-30-97	Civilian Use of Force & Firearm Training	LVMPD	21
04-30-97	Off-Duty Weapon Qualification	LVMPD	
06-13-97	NCIC Phase I - Video	LVMPD	20 Min.
07-02-97	Duty Weapon Qualification	LVMPD	2
08-22-97	Firearms/Range Training	LVMPD	1
09-15 to 09-19-97	Bloodstain Evidence Workshop I	Northwestern University, Traffic Institute	40
09-30-97	Duty Weapon Qualification	LVMPD	2
10-06 to 10-10-97	Investigative Photography I	Northwestern University, Traffic Institute	40
10-13 to 10-17-97	Bloodstain Evidence Workshop 2	Northwestern University, Traffic Institute	40
11-03 to 11-07-97	Courtroom Presentation of Evidence: Effective Expert Witness Testimony Workshop (Running workshops on the dates noted. CSAs go for 7-hour course)	CAT/NWAFS/SWAFS/SAT Joint Meeting	7
11-14-97	Firearms/Range Training	LVMPD	1
12-31-97	Duty Weapon Qualification	LVMPD	2
02-20-98	Trauma Shooting - Video	LVMPD	30 Min.
02-23-98	Domestic Violence	LVMPD	1
02-26-98	Clandestine Lab Dangers - Video	LVMPD	30 Min.
02-27-98	Combat Shooting Simulator/FATS	LVMPD	1
02-27-98	FATS Training	LVMPD	1
03-06-98	Secondary Devices - Video	LVMPD	30 Min.
03-11 to 03-13-98	California Homicide Investigators Association: (Field of Homicide Investigations) Bakersfield, CA	California Homicide Investigators Association	24
03-98	Range	LVMPD	1
03-31-98	Duty Weapon Qualification	LVMPD	2
04-08-98	Critical Procedures Test	LVMPD	2
06-26-98	Duty Weapon Qualification	LVMPD	2
6-30-98	Range	LVMPD	1

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
07-08-98	Driver Training - Class II	LVMPD	8
09-11-98	Optional Weapon	LVMPD	
09-25-98	Range	LVMPD	1
12-98	Range	LVMPD	1
12-08-98	Training - Motor Home Driving	LVMPD	4
12-11-98	Duty Weapon Qualification	LVMPD	2
01-29-99	Low Lethal Certification	LVMPD	10
03-99	Range	LVMPD	1
03-99	PR Photograph	LVMPD	4
03-30-99	Duty Weapon Qualification	LVMPD	2
03-03	Accident Investigation Photography	LVMPD	2
04-20-99	Critical Procedures Test	LVMPD	2
04-30-99	NSDIAI Educational Conference	NSDIAI	8
05-18-99	Duty Weapon Qualification/Off-Duty Weapon Qualification	LVMPD	2
06-30-99			
08-11, 12, & 08-13-99	Bombs and Explosive Devices - Public Safety Continuing Education	Public Agency Training Council, National Crime Justice, "Academy Quality Module Training"	24
09-20 to 09-24-99	Investigative Photography 2	Northwestern University, Traffic Institute	40
09-21-99	Duty Weapon Qualification	LVMPD	2
09-99	Range	LVMPD	1
12-99	Range	LVMPD	1
01-19-00	Latent Fingerprint Development Workshop	U.S. Secret Service	8
01-20-00	Sticky-side Tape Processing	U.S. Secret Service	8
06-12 to 06-14-00	Clandestine Laboratory Safety Certification Course - Occasional Site Worker	LVMPD	24
09-06 to 09-08-00	Shooting Incident Reconstruction	Forensic Identification Training Seminars	24
04-11 to 04-13-01	3 <sup>rd</sup> Annual Educational Conference Florazine	NSDIAI	2
"	Bloodstain Report Writing	"	2
"	Forensic DNA	"	2



DATE	CLASS TITLE	AGENCY	CREDIT HOURS
"	Forensic Anthropology	"	1
"	Ted Binion Homicide	"	2
10-15-01	Bloodstain Pattern Analysis - Angle of Impact Proficiency Exercise - Certificate #16	LVMPD Criminalistics Bureau	3
07-18-01	Driver's Training	LVMPD	8
04-01-02	Clandestine Laboratory Safety - Fingerprint Processing	LVMPD	1
04-01-02	Chemical Enhancements of Bloodstains, Preliminary Steps	LVMPD - Criminalistics Bureau	1
04-02-02	Forensic Anthropology	LVMPD	1.5
04-15-02	Objective Approach to the Crime Scene	LVMPD - Criminalistics Bureau	1
05-22-02	Major Case Prints	LVMPD - Criminalistics Bureau	3
06-05-02	Documentation of Footwear & Tire Impressions	LVMPD - Criminalistics Bureau	1
08-04 ro 08-10-02	87 <sup>th</sup> International Educational Conference - See below	IAI	
"	Investigating Cult and Occult Crimes	"	8
"	Homicide or Suicide?	"	1
"	Gizmos and Gadgets	"	2
"	Courtroom Testimony Techniques: Success Instead of Survival	"	4
01-20 to 01-24-03	Ridgeology Science Workshop - Forensic Identification Training Seminars	LVMPD	40



## ASCLD/LAB-International Application for Accreditation Attachment 2

### Statement of Qualifications

<b>Name</b>	Maeleen Morrison # 16191	<b>Date</b>	09/05/2018
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<b>Forensic Service Provider</b>	Las Vegas Metropolitan Police Department – Crime Scene Investigations Section
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<b>Job Title</b>	Crime Scene Analyst I
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Indicate all disciplines in which you currently perform testing or calibration work:

<input type="checkbox"/>	Drug Chemistry	<input type="checkbox"/>	Biology
<input type="checkbox"/>	Firearms/Toolmarks	<input type="checkbox"/>	Questioned Documents
<input type="checkbox"/>	Trace Evidence	<input checked="" type="checkbox"/>	Crime Scene
<input type="checkbox"/>	Latent Prints	<input type="checkbox"/>	Toxicology - Testing
<input type="checkbox"/>	Digital & Multimedia Evidence	<input type="checkbox"/>	Toxicology - Calibration

For each discipline checked in the table above, list all category(ies) in which you perform work:

Crime Scene Investigation
---------------------------

**Education:** List all higher academic institutions attended (list high school only if no college degree has been attained).

Institution	Dates Attended	Major	Degree Completed
University of Nevada – Las Vegas	09/2008 – 08/2015	Biological Sciences	Bachelor of Science

**Continuing Education:** List formal coursework, conferences, workshops, in-service and other training received applicable to past and current forensic related positions.

Course Title	Source of Training	Date(s) of Training
02-2017 CSA Academy	LVMPD	08/21/17 - 11/2/17
Ethics in Forensic Science	West Virginia University	09/01/17 - 10/19/17

**Testimony:** Complete the information below for testimony provided.

Discipline or Category of Testimony	Period of Time in Which Testimony Occurred	Approximate Number of Times Testified
Crime Scene Investigations	08/15/18 - present	1

**Professional Affiliations:** List professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

Organization	Period of Membership	Offices or Positions Held/Dates

**Employment History:** List all scientific or technical positions held, particularly those related to forensic science. **List current position first.** Add additional sections as necessary.

<b>Job Title</b>	Crime Scene Analyst I	<b>Tenure</b>	06/05/2017 to present
<b>Employer</b>	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagramming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

<b>Job Title</b>	Forensic Laboratory Assistant (Part Time)	<b>Tenure</b>	11/07/2016 to 06/04/2017
<b>Employer</b>	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Exemplify the Department values, both on and off duty; maintain inventory of chemicals, forensic kits, scientific materials and supplies, and references; order supplies; ensure compliance with lab safety procedures; prepare, and verify chemical solutions and reagents to specific requirements; document results; clean and disinfect laboratory equipment; store cleaned items in proper laboratory area; conduct periodic quality checks on various laboratory equipment and reagents; ensure laboratory compliance with accreditation and safety requirements; document results; notify appropriate laboratory staff; transport and log evidence and property received by the Forensic Laboratory or Crime Scene Investigations Section; maintain security, proper records and storage of evidence; use standard laboratory techniques to perform applicable tasks; conduct delivery and pick-up of necessary supplies and equipment; Facilitate hazardous and biological waste disposal; query law enforcement computer systems for criminal history information; enter data into State databases; file documents electronically and via paper; communicate with a variety of law enforcement personnel via telephone, email, in person and through written correspondence; respond to letters and written inquiries.			

<b>Job Title</b>		<b>Tenure</b>	
<b>Employer</b>			
Provide a brief description of principal duties:			

<b>Job Title</b>		<b>Tenure</b>	
<b>Employer</b>			
Provide a brief description of principal duties:			

<b>Job Title</b>		<b>Tenure</b>	
<b>Employer</b>			
Provide a brief description of principal duties:			

**Other Qualifications:** List below all personal certifications identifying the issuing organization and the dates; all scientific publications and/or presentations you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualifications.

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# ASCLD/LAB-International Application for Accreditation Attachment 2

## Statement of Qualifications

<b>Name</b>	Jennifer Strumillo P# 16067	<b>Date</b>	08/08/2017
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<b>Forensic Service Provider</b>	Las Vegas Metropolitan Police Department – Crime Scene Investigations Section
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<b>Job Title</b>	Crime Scene Analyst I
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Indicate all disciplines in which you currently perform testing or calibration work:

<input type="checkbox"/>	Drug Chemistry	<input type="checkbox"/>	Biology
<input type="checkbox"/>	Firearms/Toolmarks	<input type="checkbox"/>	Questioned Documents
<input type="checkbox"/>	Trace Evidence	<input checked="" type="checkbox"/>	Crime Scene
<input type="checkbox"/>	Latent Prints	<input type="checkbox"/>	Toxicology - Testing
<input type="checkbox"/>	Digital & Multimedia Evidence	<input type="checkbox"/>	Toxicology - Calibration

For each discipline checked in the table above, list all category(ies) in which you perform work:

Crime Scene Investigation
---------------------------

**Education:** List all higher academic institutions attended (list high school only if no college degree has been attained).

Institution	Dates Attended	Major	Degree Completed
University of California, Los Angeles	2004 - 2008	Physiological Science	Bachelor of Science

**Continuing Education:** List formal coursework, conferences, workshops, in-service and other training received applicable to past and current forensic related positions.

Course Title	Source of Training	Date(s) of Training
Crime Scene Analyst Academy	LVMPD Las Vegas, NV	09/12/16 - 11/23/16
2017 Basic Medicolegal Death Investigation	IACME Las Vegas, NV	07/23/17 - 07/27/17

**Testimony:** Complete the information below for testimony provided.

Discipline or Category of Testimony	Period of Time in Which Testimony Occurred	Approximate Number of Times Testified
Crime Scene Investigation	09/01/2016 to present	0

**Professional Affiliations:** List professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

Organization	Period of Membership	Offices or Positions Held/Dates

**Employment History:** List all scientific or technical positions held, particularly those related to forensic science. **List current position first.** Add additional sections as necessary.

<b>Job Title</b>	Crime Scene Analyst I	<b>Tenure</b>	09/01/2016 to present
<b>Employer</b>	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagramming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

Job Title		Tenure	
Employer			
Provide a brief description of principal duties:			

**Other Qualifications:** List below all personal certifications identifying the issuing organization and the dates; all scientific publications and/or presentations you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualifications.

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*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: WRIGHT, Amanda

P# 9974

Date: 05-14-07

**CURRENT CLASSIFICATION**

	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

**FORMAL EDUCATION**

<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
University of New Haven	Forensic Science	Bachelor of Science - January 2006
Bowdoin College	Biochemistry	Bachelor of Arts - May 2001

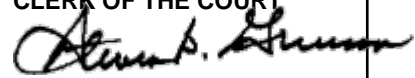
**TESTIMONY**

<i>Yes</i>	<i>No</i>	

**EMPLOYMENT HISTORY**

<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	CSAI	05-14-07 to





**SLOW**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
NICOLE J. CANNIZZARO  
Chief Deputy District Attorney  
Nevada Bar #011930  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,

-vs-

TED MICHAEL DONKO,  
#2668752  
  
Defendant.

CASE NO: C-19-345584-1

DEPT NO: XXV

**STATE'S SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT  
WITNESSES  
[NRS 174.234]**

TO: TED MICHAEL DONKO, Defendant; and  
TO: PUBLIC DEFENDER'S OFFICE, Counsel of Record:  
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses in its case in chief:

<u>NAME</u>	<u>ADDRESS</u>
AGUILOS, J.	LVMPD P#15042
ALATORRE, D.	LVMPD P#17011
ALICASTRO, J.	LVMPD P#17765
ALVARADO, D.	LVMPD P#6065
ARTIS, B.	LVMPD P#13475
BEAL, C.	LVMPD P#14111
BEATTY, J.	LVMPD P#8642

1	BIANCO, N.	LVMPD P#15086
2	BOXLER, B.	LVMPD P#13376
3	BRIDGES, W.	LVMPD P#15219
4	BUENCAMINO, G.	LVMPD P#17862
5	CALLEN, D.	LVMPD P#6717
6	CASPER, J.	LVMPD P#10142
7	CASPER, M.	LVMPD P#6549
8	CENIZA, C.	LVMPD P#17869
9	CLOSE, J.	LVMPD P#14919
10	CORBETT, J.	LVMPD P#6410
11	CORTEZ, J.	LVMPD P#14895
12	CRUZ, R.	LVMPD P#15656
13	CUSTODIAN OF RECORDS	AUTOZONE
14	CUSTODIAN OF RECORDS	CCDC
15	CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
16	CUSTODIAN OF RECORDS	LVMPD RECORDS
17	DIXON, RODNEY	C/O DISTRICT ATTORNEY'S OFFICE
18	DOTY, K.	LVMPD P#13358
19	ESPINOZA, FERNANDO	C/O DISTRICT ATTORNEY'S OFFICE
20	FENRICH, E.	LVMPD P#13145
21	FOX, J.	LVMPD P#17873
22	GADEA, B.	LVMPD P#14894
23	GODFREY, J.	LVMPD P#8555
24	GRAMMAS, K.	LVMPD P#7808
25	HANNING, M.	LVMPD P#13733
26	HAUSMAN, C.	LVMPD P#17927
27	HENNIG, A.	LVMPD P#17592
28	HERVIS, E.	LVMPD P#15819

1	IVIE, T.	LVMPD P#6405
2	JACKSON, B.	LVMPD P#9690
3	JACOBS, J.	LVMPD P#6068
4	JERSEY, C.	LVMPD P#15092
5	JIMENEZ, J.	LVMPD P#12882
6	JUNGE, H.	LVMPD P#17922
7	KEEN, J.	LVMPD P#14455
8	KOMMEL, BERNSTEIN, J.	LVMPD P#9045
9	KRUEGER, M.	LVMPD P#13512
10	LARA-MARQUEZ, A.	LVMPD P#15495
11	LNU, FNU	Owner and/or Occupant of 5675 Big Sea St.
12	LNU, GILBERT	C/O DISTRICT ATTORNEY'S OFFICE
13	LUNA, C.	LVMPD P#8257
14	MAGSAYSAY, M.	LVMPD P#14804
15	MARIN, J.	LVMPD P#15026
16	MIRAMONTES, M.	LVMPD P#9813
17	MOORE, B.	LVMPD P#14318
18	MOSS, J.	LVMPD P#9212
19	MURPHY, S.	LVMPD P#9857
20	NORIEGA-PEREZ, V.	LVMPD P#16305
21	PATTERSON, M.	LVMPD P#8409
22	PERRY, S.	LVMPD P#6510
23	PORTER, H.	LVMPD P#14086
24	RAFALOVICH, MARCO or Designee	CCDA INVESTIGATOR
25	RAMOS-GRAJEDA, GENARO	C/O DISTRICT ATTORNEY'S OFFICE
26	RANDY, K.	LVMPD P#6214
27	ROCHA, B.	LVMPD P#13510
28	SANCHEZ-LOZA, JONATHAN	C/O DISTRICT ATTORNEY'S OFFICE

1 SKELTON, MARY C/O DISTRICT ATTORNEY'S OFFICE  
2 SOWERS, S. LVMPD P#15002  
3 SPURLING, J. LVMPD P#13647  
4 STAFFORD, E. LVMPD P#13642  
5 STUART, J. LVMPD P#6519  
6 TRAIL, A. LVMPD P#15093  
7 VALDEZ, C. LVMPD P#8456  
8 VAN PAMEL, B. LVMPD P#13657  
9 WALFORD, B. LVMPD P#15033  
10 WOODS, DEANDRE C/O DISTRICT ATTORNEY'S OFFICE

11 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
12 NEVADA intends to call the following expert witnesses in its case in chief:

13 AOYAMA, KATHRYN – LVMPD P#8025 (or designee): LATENT PRINT  
14 EXAMINER - Expert in the science and techniques of fingerprint comparison, and  
15 comparisons done in this case and any reports prepared therefrom.

16 CHEN-HUNYH, STEPHANIE – LVMPD #16064 (or designee): CRIME SCENE  
17 ANALYST II: Expert in the identification, documentation, collection and preservation of  
18 evidence and is expected to testify as an expert to the identification, documentation, collection  
19 and preservation of the evidence in this case.

20 GAUTHIER, KELLIE – LVMPD P#8691 (or designee): Expert in the field of DNA  
21 extractions, comparisons, analysis, and the identification of bodily fluids and is expected to  
22 testify thereto.

23 GROVER, BRADLEY – LVMPD P#4934 (or designee): CRIME SCENE ANALYST:  
24 Expert in the identification, documentation, collection and preservation of evidence and is  
25 expected to testify as an expert to the identification, documentation, collection and  
26 preservation of the evidence in this case.

27 //

28 //

1           MCNICKLE, DR. ALLISON - UNIVERSITY MEDICAL CENTER: Will testify as a  
2 medical expert and to her observations, treatment, diagnosis and prognosis of the injuries  
3 sustained by the victim(s) in this case.

4           MORRISON, MAELEEN – LVMPD #16191 (or designee): CRIME SCENE  
5 ANALYST: Expert in the identification, documentation, collection and preservation of  
6 evidence and is expected to testify as an expert to the identification, documentation, collection  
7 and preservation of the evidence in this case.

8           RUBINO, ALLISON – LVMPD P#14784 (or designee): Expert in the field of DNA  
9 extractions, comparisons, analysis, and the identification of bodily fluids and is expected to  
10 testify thereto.

11           STRUMILLO, JENNIFER – LVMPD #16067 (or designee): CRIME SCENE  
12 ANALYST: Expert in the identification, documentation, collection and preservation of  
13 evidence and is expected to testify as an expert to the identification, documentation, collection  
14 and preservation of the evidence in this case.

15           WRIGHT, AMANDA - LVMPD P#9974 (or designee): FIREARMS/TOOLMARKS  
16 EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is  
17 expected to testify thereto, including, but not limited to, the forensic science underlying  
18 firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology,  
19 microscopic comparison tools, technology, and findings, National Integrated Ballistic  
20 Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms  
21 identification, operation, trigger pull, failure, capacity, and capability, ammunition,  
22 composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern  
23 analysis (cartridge cases), distance determination, suppressors/silencers (commercial and  
24 homemade) examination, serial number restoration, and firearms modification or homemade  
25 firearms examination).

26           The substance of each expert witness' testimony and copy of all reports made by or at  
27 the direction of the expert witness has been provided in discovery.

28           A copy of each expert witness' curriculum vitae, if available, is attached hereto.

1        These witnesses are in addition to those witnesses endorsed on the Information or  
2        Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
3        Witnesses has been filed.

4                               STEVEN B. WOLFSON  
5                               Clark County District Attorney  
6                               Nevada Bar #001565

7                               BY /s/ NICOLE J. CANNIZZARO  
8                               NICOLE J. CANNIZZARO  
9                               Chief Deputy District Attorney  
10                               Nevada Bar #011930

11                               CERTIFICATE OF ELECTRONIC MAIL

12        I hereby certify that service of the foregoing, was made this 10th day of January, 2020,  
13        by Electronic Mail to:

14                               PUBLIC DEFENDER'S OFFICE  
15                               E-mail Address: pdclerk@ClarkCountyNV.gov

16                               /s/ Laura Mullinax  
17                               Secretary for the District Attorney's Office

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28        lm/GU



**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
FORENSIC LABORATORY  
STATEMENT OF QUALIFICATIONS**

Date: 06/25/10

Name: Kathryn Aoyama

P#: 8025

Classification: Forensic Scientist I

Current Discipline of Assignment: Latent Prints

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints	X	Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	
EDUCATION			
Institution	Dates Attended	Major	Degree Completed
University of California, San Diego	9/84 to 6/89	Biology	B.A.
University of Nevada, Las Vegas	8/83 to 5/84	Biology	None
ADDITIONAL TRAINING / SEMINARS			
Course / Seminar	Location	Dates	
ASCLD /LAB International Preparation Course	Henderson, NV	12/01-12/03/09	
Nevada State IAI Tristate Conference – IND/Zn Workshop	Las Vegas, NV	10/07/09	
Latent Print Certification Preparation	Las Vegas, NV	06/08-06/10/09	
Analysis of Distortion in Latent Prints	Las Vegas, NV	02/09-02/10/09	
GWS-L Latent User Methods and Operations	Las Vegas, NV	09/17-09/18/08	
RUVIS Training	Las Vegas, NV	8/6/2008	
Application of Statistics to Ridgeology And ACE-V Methodology	Las Vegas, NV	3/31-4/04/08	
Witnessing 101 - Clark County DA's Office	Las Vegas, NV	5/9/08	

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Application of Statistics to Ridgeology and the ACE-V Methodology	Las Vegas, NV	3/31 to 4/4/08
Forensic Photography	Las Vegas, NV	2/11-2/13/08
24-Hour Application Study in Forensic Photography	Las Vegas, NV	02/14/08
Forensic Digital Imaging	Las Vegas, NV	1/7/08 - 1/10/08
2007 2 <sup>nd</sup> Tri-Division IAI Educational Conference	Salt Lake City, UT	11/6/07 - 11/9/07
IAI 92 <sup>nd</sup> International Educational Conference	San Diego, CA	7/23/07 - 7/27/07
Driver=s Training	Las Vegas, NV	7/3/07
2006 1 <sup>st</sup> Tri-Division IAI Educational Conference	Henderson, NV	8/21/06 - 8/24/06
Forensic Photography II	Las Vegas, NV	1/06 - 5/06
Testifying in Court	Las Vegas, NV	11/30/05
Problem Solving, Independent Decision Making	Las Vegas, NV	8/10/05
Effective Interpersonal Communication	Las Vegas, NV	6/23/05
Searching Public Records Part I and II	Las Vegas, NV	3/2/05 - 3/3/05
Criminal Law for Civilians	Las Vegas, NV	11/4/04
Forensic Photography I	Las Vegas, NV	8/04 - 12/04
Forensic Science 101 and 201, American Institute of Applied Science	NC	8/03 - 5/04
COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
Las Vegas, NV District Court 7	Latent Prints	2
Las Vegas, NV District Court 6	Latent Prints	1
EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist I - Latent Prints	4/08 to present

EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist Trainee - Latent Prints	3/07 to 4/08
PROFESSIONAL AFFILIATIONS		
Organization		Date(s)
International Association for Identification (IAI)		7-10-07 to present

PUBLICATIONS / PRESENTATIONS:
<b>Presentations:</b>
05/04/10 Poster Presentation: Latent Prints from Firearms Evidence (Statistics 2008-2009), Association of Firearms & Tool Mark Examiners Training Seminar, Henderson, NV
06/11/08 "Historical and Scientific Development of Latent Print Methodologies", LVMPD, Las Vegas, NV
1/16/08 "Introduction to Latent Print Collection", LVMPD Laughlin Substation, NV
11/7/07 "Back to Basics - The Biological Basis for Latent Print Examination", 2 <sup>nd</sup> Tri-Division IAI Educational Conference, Salt Lake City, UT
08/21/07 "Disguising and Disrupting Fingerprints", LVMPD, Las Vegas, NV
08/07/07 "Distortion in Latent Prints", LVMPD, Las Vegas, NV
06/14/07 "Ridge Flows and Crease Patterns of the Hands and Feet", LVMPD, Las Vegas, NV
OTHER QUALIFICATIONS:
None



## ASCLD/LAB-International Application for Accreditation Attachment 2

### Statement of Qualifications

Name	Stephanie Chen-Huynh P# 16064	Date	08/22/2018
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Forensic Service Provider	Las Vegas Metropolitan Police Department – Crime Scene Investigations Section
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Job Title	Crime Scene Analyst I
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Indicate all disciplines in which you currently perform testing or calibration work:

<input type="checkbox"/>	Drug Chemistry	<input type="checkbox"/>	Biology
<input type="checkbox"/>	Firearms/Toolmarks	<input type="checkbox"/>	Questioned Documents
<input type="checkbox"/>	Trace Evidence	<input checked="" type="checkbox"/>	Crime Scene
<input type="checkbox"/>	Latent Prints	<input type="checkbox"/>	Toxicology - Testing
<input type="checkbox"/>	Digital & Multimedia Evidence	<input type="checkbox"/>	Toxicology - Calibration

For each discipline checked in the table above, list all category(ies) in which you perform work:

Crime Scene Investigation; Body Fluid Identification
--

**Education:** List all higher academic institutions attended (list high school only if no college degree has been attained).

Institution	Dates Attended	Major	Degree Completed
University of Nevada Las Vegas	2012-2017	Criminal Justice	Bachelor of Arts
University of Phoenix	10/2016		

**Continuing Education:** List formal coursework, conferences, workshops, in-service and other training received applicable to past and current forensic related positions.

Course Title	Source of Training	Date(s) of Training
Crime Scene Analyst Academy	LVMPD Las Vegas, NV	09/12/16 - 11/23/16
Hazardous Materials Evidence Collection for CBRNE Incidents	Center for Domestic Preparedness Anniston, AL	11/15/17-11/17/17
Basic Medicolegal Death Investigation Training	International Association of Coroners & Medical Examiners; Las Vegas, NV	07/22/18-07/26/18

**Testimony:** Complete the information below for testimony provided.

Discipline or Category of Testimony	Period of Time in Which Testimony Occurred	Approximate Number of Times Testified
Crime Scene Investigation	09/01/2016 to present	0

**Professional Affiliations:** List professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

Organization	Period of Membership	Offices or Positions Held/Dates

**Employment History:** List all scientific or technical positions held, particularly those related to forensic science. **List current position first.** Add additional sections as necessary.

<b>Job Title</b>	Crime Scene Analyst I	<b>Tenure</b>	09/01/2016 to present
<b>Employer</b>	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagramming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

<b>Job Title</b>		<b>Tenure</b>	
<b>Employer</b>			
Provide a brief description of principal duties:			

<b>Job Title</b>		<b>Tenure</b>	
<b>Employer</b>			
Provide a brief description of principal duties:			

<b>Job Title</b>		<b>Tenure</b>	
<b>Employer</b>			
Provide a brief description of principal duties:			

<b>Job Title</b>		<b>Tenure</b>	
<b>Employer</b>			
Provide a brief description of principal duties:			

**Other Qualifications:** List below all personal certifications identifying the issuing organization and the dates; all scientific publications and/or presentations you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualifications.

--



**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
FORENSIC LABORATORY  
STATEMENT OF QUALIFICATIONS**

Date: 06/28/10

Name: Kellie M. (Wales) Gauthier

P#: 8691

Classification: Forensic Scientist II

Current Discipline of Assignment: DNA/Biology

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	X	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Quality Assurance		Technical Support /	X
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University of West Florida	8/98 - 5/02	Biology	B.S.
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
ASCLD/LAB- International Preparation Course	Henderson, NV	12/01-12/03/09	
Cold Case Analysis Training	Chicago, IL	07/15-07/16/09	
Hair Evaluation for DNA Analysis	Las Vegas, NV (Online Course)	01/14/09	
Annual Review of DNA Data Accepted at NDIS	Las Vegas, NV (Online Course)	11/18/08	
Seminar: The Parachute Case	Washington DC	02/22/08	
Seminar: Bringing Forensic Science to the Battlefield	Washington DC	02/21/08	
Seminar: Human Identification in a Post 9/11 World	Washington DC	02/20/08	

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Workshop: DNA Mixture Interpretation	Washington DC	02/19/08
Conference: American Academy of Forensic Sciences 60 <sup>th</sup> Annual Meeting	Washington DC	02/19/08-02/23/08
Annual Review of DNA Data Accepted at NDIS	Las Vegas, NV	01/31/08
Applied Biosystems Training on 3130xl Genetic Analyzer	Las Vegas, NV	11/01/07
Workshop: Forensic DNA Profiling	Las Vegas, NV	01/25-26/07
Workshop: Forensic Population Genetics and Statistics	Las Vegas, NV	11/27/06
FBI CODIS Training	McLean, VA	11/06
Conference: Bode Advanced DNA Technical Workshop	Captiva Island, FL	06/06
Workshop: Presenting Statistics in the Courtroom	Captiva Island, FL	06/06
Training: Differential Extraction	Las Vegas, NV	06/06
Training: Serological Techniques and DNA Screening - Colleen Proffitt, MFS	Las Vegas, NV	5/06
Conference: American Academy of Forensic Sciences 58 <sup>th</sup> Annual Meeting	Seattle, WA	2/20/06-2/25/06
Seminar: Racial Profiling SNP's	Seattle, WA	2/23/06
Seminar: The Atypical Serial Killer	Seattle, WA	2/22/06
Seminar: Bioterrorism Mass Disasters	Seattle, WA	2/21/06
Workshop: Sexual Homicide - Fantasy Becomes Reality	Seattle, WA	2/21/06
Workshop: Advanced Topics in STR DNA Analysis	Seattle, WA	2/20/06
National Incident Management System (NIMS) an Introduction	Las Vegas, NV	8/05
Drivers Training II	Las Vegas, NV	7/05



ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Workshop: Future Trends in Forensic DNA Technology - Applied Biosystems	Orlando, FL	9/04
Workshop: Southern Association of Forensic Scientists (SAFS) - Paternity Index DNA Statistics	Orlando, FL	9/04
Workshop: Forensic Epidemiology - Joint Training for Law Enforcement Hazardous Materials and Public Health Officials on Investigative Response to Bio-terrorism	Orlando, FL	7/04
Forensic Technology Training - Florida Department of Law Enforcement	Orlando, FL	4/04
Biology Discipline Meeting	Tampa, FL	3/04
Workshop: Future Trends in Forensic DNA Technology - Applied Biosystems	Orlando, FL	9/03
COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Clark County: Justice, District	DNA	30
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Las Vegas Metropolitan Police Department	Forensic Scientist	5/05 - present
Florida Dept. of Law Enforcement	Forensic Technologist	8/03 - 5/05
PROFESSIONAL AFFILIATIONS		
<i>Organization</i>	<i>Date(s)</i>	
American Academy of Forensic Sciences - Trainee Affiliate	10/06 - 12/09	
PUBLICATIONS / PRESENTATIONS:		
None		
OTHER QUALIFICATIONS:		
None		

# Curriculum Vitae

## Las Vegas Criminalistics Bureau Statement of Qualifications

Name: Bradley Grover

P# 4934

Date: 10-1-03

<b>CURRENT CLASSIFICATION</b>			
	<i>Classification</i>	<i>Minimum Qualifications</i>	
	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.	
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.	
X	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.	
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.	
<b>FORMAL EDUCATION</b>			
	<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
	UNLV	Science	Bachelor-1987
<b>TESTIMONY</b>			
Yes	No		
<b>EMPLOYMENT HISTORY</b>			
	<i>Employer</i>	<i>Title</i>	<i>Date</i>
	LVMPD	Sr. Crime Scene Analyst	4-3-95

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
05-17-87	Bachelor of Science	University of Nevada	Degree
04-17-95	Range Training	LVMPD	4
04-07-95	Introductory Crime Scene Analyst Training	LVMPD	40
05-09-95	FATS Training	LVMPD	2
05-18-95	Driver Training - Level 2	LVMPD	2
06-30-95	Duty Weapon Qualification	LVMPD	1
08-02-95	New Civilian Employee Orientation	LVMPD	7
09-05-95	Range Training	LVMPD	1
09-30-95	Duty Weapon Qualification	LVMPD	1
11-29-95	Video - Courtroom Skills and Tactics	LVMPD	31 Min.
02-14-96	Forensic Science	American Institute of Applied Science	240
03-08-96	Firearms/Range Training	LVMPD	1
03-31-96	Duty Weapon Qualification	LVMPD	1
05-14-96	Firearms/Range Training	LVMPD	1
06-05-96	Verbal Judo	LVMPD	8
06-18-96	Oleoresin - Civilian	LVMPD	2
06-18-96	Combat Shooting Simulator/FATS Training	LVMPD	1
06-22-96	CAPSTUN Training	LVMPD	1.5
06-30-96	Duty Weapon Qualification	LVMPD	2
07-22-96	Gunshot and Stab Wounds: A Medical Examiner's View-	Barbara Clark Mims Associates	8
09-10-96	Firearms/Range Training	LVMPD	1
09-23 to 09-27-96	Crime Scene Technology II	Northwestern University, Traffic Institute	40
09-30-96	Duty Weapon Qualification	LVMPD	2
10-07 to 10-11-96	Fingerprinting Classification	Law Enforcement Officers Training School	40
11-27-96	Ultraviolet (UV) Light Orientation and Safety Presentation	LVMPD	1
01-28-97	Firearms/Range Training	LVMPD	1.5
02-18 to	Top Gun Training	LVMPD	21

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
02-20-97			
02-27-97	Moot Court - Video	LVMPD	2
03-30-97	Duty Weapon Qualification	LVMPD	2
04-23, 24 & 04-30-97	Civilian Use of Force & Firearm Training	LVMPD	21
04-30-97	Off-Duty Weapon Qualification	LVMPD	
06-13-97	NCIC Phase I - Video	LVMPD	20 Min.
07-02-97	Duty Weapon Qualification	LVMPD	2
08-22-97	Firearms/Range Training	LVMPD	1
09-15 to 09-19-97	Bloodstain Evidence Workshop I	Northwestern University, Traffic Institute	40
09-30-97	Duty Weapon Qualification	LVMPD	2
10-06 to 10-10-97	Investigative Photography I	Northwestern University, Traffic Institute	40
10-13 to 10-17-97	Bloodstain Evidence Workshop 2	Northwestern University, Traffic Institute	40
11-03 to 11-07-97	Courtroom Presentation of Evidence: Effective Expert Witness Testimony Workshop (Running workshops on the dates noted. CSAs go for 7-hour course)	CAT/NWAFS/SWAFS/SAT Joint Meeting	7
11-14-97	Firearms/Range Training	LVMPD	1
12-31-97	Duty Weapon Qualification	LVMPD	2
02-20-98	Trauma Shooting - Video	LVMPD	30 Min.
02-23-98	Domestic Violence	LVMPD	1
02-26-98	Clandestine Lab Dangers - Video	LVMPD	30 Min.
02-27-98	Combat Shooting Simulator/FATS	LVMPD	1
02-27-98	FATS Training	LVMPD	1
03-06-98	Secondary Devices - Video	LVMPD	30 Min.
03-11 to 03-13-98	California Homicide Investigators Association: (Field of Homicide Investigations) Bakersfield, CA	California Homicide Investigators Association	24
03-98	Range	LVMPD	1
03-31-98	Duty Weapon Qualification	LVMPD	2
04-08-98	Critical Procedures Test	LVMPD	2
06-26-98	Duty Weapon Qualification	LVMPD	2
6-30-98	Range	LVMPD	1

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
07-08-98	Driver Training - Class II	LVMPD	8
09-11-98	Optional Weapon	LVMPD	
09-25-98	Range	LVMPD	1
12-98	Range	LVMPD	1
12-08-98	Training - Motor Home Driving	LVMPD	4
12-11-98	Duty Weapon Qualification	LVMPD	2
01-29-99	Low Lethal Certification	LVMPD	10
03-99	Range	LVMPD	1
03-99	PR Photograph	LVMPD	4
03-30-99	Duty Weapon Qualification	LVMPD	2
03-03	Accident Investigation Photography	LVMPD	2
04-20-99	Critical Procedures Test	LVMPD	2
04-30-99	NSDIAI Educational Conference	NSDIAI	8
05-18-99	Duty Weapon Qualification/Off-Duty Weapon Qualification	LVMPD	2
06-30-99			
08-11, 12, & 08-13-99	Bombs and Explosive Devices - Public Safety Continuing Education	Public Agency Training Council, National Crime Justice, "Academy Quality Module Training"	24
09-20 to 09-24-99	Investigative Photography 2	Northwestern University, Traffic Institute	40
09-21-99	Duty Weapon Qualification	LVMPD	2
09-99	Range	LVMPD	1
12-99	Range	LVMPD	1
01-19-00	Latent Fingerprint Development Workshop	U.S. Secret Service	8
01-20-00	Sticky-side Tape Processing	U.S. Secret Service	8
06-12 to 06-14-00	Clandestine Laboratory Safety Certification Course - Occasional Site Worker	LVMPD	24
09-06 to 09-08-00	Shooting Incident Reconstruction	Forensic Identification Training Seminars	24
04-11 to 04-13-01	3 <sup>rd</sup> Annual Educational Conference Florazine	NSDIAI	2
"	Bloodstain Report Writing	"	2
"	Forensic DNA	"	2

DATE	CLASS TITLE	AGENCY	CREDIT HOURS
"	Forensic Anthropology	"	1
"	Ted Binion Homicide	"	2
10-15-01	Bloodstain Pattern Analysis - Angle of Impact Proficiency Exercise - Certificate #16	LVMPD Criminalistics Bureau	3
07-18-01	Driver's Training	LVMPD	8
04-01-02	Clandestine Laboratory Safety - Fingerprint Processing	LVMPD	1
04-01-02	Chemical Enhancements of Bloodstains, Preliminary Steps	LVMPD - Criminalistics Bureau	1
04-02-02	Forensic Anthropology	LVMPD	1.5
04-15-02	Objective Approach to the Crime Scene	LVMPD - Criminalistics Bureau	1
05-22-02	Major Case Prints	LVMPD - Criminalistics Bureau	3
06-05-02	Documentation of Footwear & Tire Impressions	LVMPD - Criminalistics Bureau	1
08-04 ro 08-10-02	87 <sup>th</sup> International Educational Conference - See below	IAI	
"	Investigating Cult and Occult Crimes	"	8
"	Homicide or Suicide?	"	1
"	Gizmos and Gadgets	"	2
"	Courtroom Testimony Techniques: Success Instead of Survival	"	4
01-20 to 01-24-03	Ridgeology Science Workshop - Forensic Identification Training Seminars	LVMPD	40



## NEVADA STATE BOARD OF MEDICAL EXAMINERS

### Search

### Licensee Details

#### Person Information

Name: Allison  
 Grace  
 McNICKLE  
 1701 W  
 Address: Charleston  
 Blvd  
 Ste 490  
 Las Vegas  
 NV 89102  
 Phone: 7026712201

#### License Information

License Type: Medical Doctor  
 License Number: 16558 Status: Active  
 Issue Date: 7/1/2016 Expiration Date: 6/30/2021

### Scope of Practice

Scope of Practice: Surgery, General

### Education & Training

School: Rush Medical College / Chicago, IL  
 Medical  
 Degree\Certificate: Doctor  
 Degree  
 Date Enrolled:  
 Date Graduated: 6/12/2010  
 Scope of Practice:

School: Rush University Medical Center / Chicago, IL  
 Degree\Certificate: Internship  
 Date Enrolled: 6/21/2010  
 Date Graduated: 6/20/2011  
 Scope of Practice: Surgery, General

School: Mount Sinai Hospital / Chicago, IL  
 Degree\Certificate: Residency  
 Date Enrolled: 7/1/2011  
 Date Graduated: 6/30/2016  
 Scope of Practice: Surgery, General



CURRENT EMPLOYMENT  
STATUS/CONDITIONS/RESTRICTIONS ON LICENSE AND  
MALPRACTICE INFORMATION

NONE

Board Actions

NONE

Please note that the settlement of a medical malpractice action may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the provider. Therefore, there may be no disciplinary action appearing for a licensee even though there is a closed malpractice claim on file. A payment in the settlement of medical malpractice does not create a presumption that medical malpractice occurred. Sometimes insurance companies settle a case without the knowledge and/or agreement of the physician. This database represents information from insurers to date. Please note: All insurers may not have submitted claim information to the Board.

Close Window



## ASCLD/LAB-International Application for Accreditation Attachment 2

### Statement of Qualifications

Name	Maeleen Morrison # 16191	Date	09/05/2018
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Forensic Service Provider	Las Vegas Metropolitan Police Department – Crime Scene Investigations Section
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Job Title	Crime Scene Analyst I
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Indicate all disciplines in which you currently perform testing or calibration work:

<input type="checkbox"/>	Drug Chemistry	<input type="checkbox"/>	Biology
<input type="checkbox"/>	Firearms/Toolmarks	<input type="checkbox"/>	Questioned Documents
<input type="checkbox"/>	Trace Evidence	<input checked="" type="checkbox"/>	Crime Scene
<input type="checkbox"/>	Latent Prints	<input type="checkbox"/>	Toxicology - Testing
<input type="checkbox"/>	Digital & Multimedia Evidence	<input type="checkbox"/>	Toxicology - Calibration

For each discipline checked in the table above, list all category(ies) in which you perform work:

Crime Scene Investigation
---------------------------

**Education:** List all higher academic institutions attended (list high school only if no college degree has been attained).

Institution	Dates Attended	Major	Degree Completed
University of Nevada – Las Vegas	09/2008 – 08/2015	Biological Sciences	Bachelor of Science

**Continuing Education:** List formal coursework, conferences, workshops, in-service and other training received applicable to past and current forensic related positions.

Course Title	Source of Training	Date(s) of Training
02-2017 CSA Academy	LVMPD	08/21/17 - 11/2/17
Ethics in Forensic Science	West Virginia University	09/01/17 - 10/19/17

**Testimony:** Complete the information below for testimony provided.

Discipline or Category of Testimony	Period of Time in Which Testimony Occurred	Approximate Number of Times Testified
Crime Scene Investigations	08/15/18 - present	1

**Professional Affiliations:** List professional organizations of which you are or have been a member. Indicate any offices or other positions held and the date(s) of these activities.

Organization	Period of Membership	Offices or Positions Held/Dates

**Employment History:** List all scientific or technical positions held, particularly those related to forensic science. **List current position first.** Add additional sections as necessary.

<b>Job Title</b>	Crime Scene Analyst I	<b>Tenure</b>	06/05/2017 to present
<b>Employer</b>	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Respond to and investigate crime scenes; perform a variety of tasks in documenting crime scenes including photographically documenting crime scenes, photographing fingerprints, and sketching and diagramming crime scene; powder or chemically process for latent fingerprints; perform and submit fingerprint comparisons; classify fingerprints as appropriate; collect, preserve, and safely package evidence; prepare crime scene and related reports and documentation; ensure accuracy and completeness; testify as an expert witness in court; ensure the adherence to standard safety precautions; recover, unload and impound firearms; and perform related duties as required.			

<b>Job Title</b>	Forensic Laboratory Assistant (Part Time)	<b>Tenure</b>	11/07/2016 to 06/04/2017
<b>Employer</b>	Las Vegas Metropolitan Police Department		
Provide a brief description of principal duties:			
Exemplify the Department values, both on and off duty; maintain inventory of chemicals, forensic kits, scientific materials and supplies, and references; order supplies; ensure compliance with lab safety procedures; prepare, and verify chemical solutions and reagents to specific requirements; document results; clean and disinfect laboratory equipment; store cleaned items in proper laboratory area; conduct periodic quality checks on various laboratory equipment and reagents; ensure laboratory compliance with accreditation and safety requirements; document results; notify appropriate laboratory staff; transport and log evidence and property received by the Forensic Laboratory or Crime Scene Investigations Section; maintain security, proper records and storage of evidence; use standard laboratory techniques to perform applicable tasks; conduct delivery and pick-up of necessary supplies and equipment; Facilitate hazardous and biological waste disposal; query law enforcement computer systems for criminal history information; enter data into State databases; file documents electronically and via paper; communicate with a variety of law enforcement personnel via telephone, email, in person and through written correspondence; respond to letters and written inquiries.			

<b>Job Title</b>		<b>Tenure</b>	
<b>Employer</b>			
Provide a brief description of principal duties:			

<b>Job Title</b>		<b>Tenure</b>	
<b>Employer</b>			
Provide a brief description of principal duties:			

<b>Job Title</b>		<b>Tenure</b>	
<b>Employer</b>			
Provide a brief description of principal duties:			

**Other Qualifications:** List below all personal certifications identifying the issuing organization and the dates; all scientific publications and/or presentations you have authored or co-authored, research in which you are or have been involved, academic or other teaching positions you have held, and any other information which you consider relevant to your qualifications.

--



**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
FORENSIC LABORATORY  
CURRICULUM VITAE**

Date: 01/09/14

Name: Allison Rubino

P#: 1478  
4

Classification: Forensic Scientist I

Current Discipline of Assignment: Biology/DNA Detail

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Toxicology/Blood Alcohol	
Toolmarks		Toxicology/Breath Alcohol	
Trace Evidence		Toxicology/Drugs	
Arson Analysis		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	x	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	x
Quality Assurance		Technical Support / DNA	
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University of Scranton	08/03-05/07	Biochemistry	B.S.
University of New Haven	08/07-05/09	Forensic Science (Criminalistics)	M.S.
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
More Ys in half the time. See Y: An Overview of the Global PPY23-YHRD Database Project	Webinar (Armed Forces DNA Identification Laboratory/AFDIL)	October 2013	
Introducing TrueAllele Casework at the New York State Police	Webinar (AFDIL)	October 2013	
Recovery of Human DNA Profiles from Poached Deer Remains/ Australian Centre for Ancient DNA	AFDIL	February 2013	
Lecture about Quant Duo	AFDIL	January 2013	
Y-STR History and Review	AFDIL	January 2013	

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
LCN Y-filer	AFDIL	December 2012
Promega Fusion	Webinar (AFDIL)	December 2012
Globalfiler System	Webinar (AFDIL)	November 2012
Topics and Techniques for Forensic DNA Analysis	NYC OCME	April 2012
Cognitive Factors in Forensic Decision Making	NYC OCME	September 2011
Forensic Ethics Training	NYC OCME	August 2011
Principles of Genetics	Farmingdale State College	August – December 2011
Forensic Relationship Training	Marshall University at NYS Police Academy	July 2011
Advanced DNA Training	Marshall University	June 2011
TrueAllele Casework Technology by Cybergenetics	Suffolk County Crime Laboratory	April 2011
American Academy of Forensic Science Meeting	Chicago, Illinois	February 2011
Forensic Toxicology	University of Verona	November 2010
Advanced Analytical Techniques in Biomedical and Forensic Investigations	University of Verona	October 2010
19th Annual Markle Symposium Police Involved Shootings-Investigation of Critical Incidents and Issues	Ledyard, CT	September 2010
HID Future Trends in DNA Technology	HID University at NYC OCME	August 2010
Statistics 110	Farmingdale State College	July 2010
Forensic Scientist Criminal Trial Training	New York Prosecutor's Training Institute	March 2010
18th Annual Markle Symposium Investigating International Crimes	Ledyard, CT	April 2009
American Academy of Forensic Science meeting	Denver, CO	February 2009
17th Annual Markle Symposium Conspiracies: Investigating Complex Cases	Ledyard, CT	March 2008
COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
None		
EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist I (In-Training)	January 2013- Present
Armed Forces DNA Identification Laboratory (AFDIL)	Forensic Scientist I - Technician	June 2012 – December 2013
Lab Support, A Division of On Assignment/ Suffolk County Crime Laboratory	Research Associate/ Forensic Scientist I	April 2009 – June 2012
University of Verona/University of New Haven	Research Student	January – December 2010
University of New Haven	Graduate Assistant	August 2007 – May 2009
Suffolk County Crime Laboratory	Intern	August 2008
University of Verona	Intern	July 2008
PROFESSIONAL AFFILIATIONS		
Organization	Date(s)	
American Academy of Forensic Sciences	2009-Present	
PUBLICATIONS / PRESENTATIONS:		
American Academy of Forensic Sciences meeting in Chicago, Illinois February 2011; presented a poster in the Toxicology section		
OTHER QUALIFICATIONS:		
<i>Instrumental and Computer Skills:</i> Qiagen - EZ1 Robotics, Qiagility Applied Biosystems – 7500 RT-PCR and software, GeneAmp PCR System 9700, 3130 Genetic Analyzer and software, and GeneMapper ID software v3.2.1 Windows and Macintosh software - Microsoft Word, Excel and PowerPoint, Access TrueAllele Data Review System		

*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: WRIGHT, Amanda

P# 9974

Date: 05-14-07

**CURRENT CLASSIFICATION**

	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

**FORMAL EDUCATION**

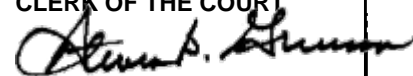
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
University of New Haven	Forensic Science	Bachelor of Science - January 2006
Bowdoin College	Biochemistry	Bachelor of Arts - May 2001

**TESTIMONY**

<i>Yes</i>	<i>No</i>	

**EMPLOYMENT HISTORY**

<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	CSAI	05-14-07 to



1 **ROC**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 NICOLE J. CANNIZZARO  
6 Chief Deputy District Attorney  
7 Nevada Bar #11930  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 TED MICHAEL DONKO,  
13 #2668752  
14 Defendant.

CASE NO: C-19-345584-1

DEPT NO: XXV

RECEIPT OF COPY

16 RECEIPT OF COPY of the following is hereby acknowledged this 13 day of

17 Jan, 2020.

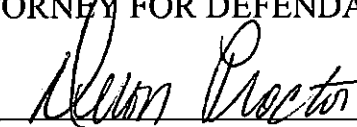
- 18 1. LVMPD Communications Log, EN 191000002219 – 8 pgs
- 19 2. LVMPD Unit Log, EN 191000002219 – 14 pgs
- 20 3. LVMPD Communications COR Affidavit – 2 pgs
- 21 4. LVMPD Communications Log, EN 191000000931 – 1 pg
- 22 5. LVMPD Unit Log, EN 191000000931 – 1 pg
- 23 6. LVMPD Communications COR Affidavit – 2 pgs
- 24 7. LVMPD Forensics Lab Biology/DNA Casework, Lab Case No. 19-  
25 11301.3 (Rubino) – 2 pgs
- 26 8. LVMPD Gang Crimes Bureau, hooting Diagram (Sanchz) – 1 pg
- 27 9. LVMPD Gang Crimes Bureau, Shooting Diagram (Espinoza – 1 pg
- 28 10. Officer's Report, EN 191000002219, (Beal) – 4 pgs



11. Property Report, EN 191000002219, Search Warrant (Beal) – 1 pg
12. ICR, EN 191000002219 – 3 pgs
13. Folder Notes, EN 191000002219 – 4 pgs
14. Stolen Vehicle Questionnaire, EN 191000000931 – 2 pgs
15. ICR, EN 191000000931 – 2 pgs
16. Folder Notes, EN 191000000931 – 1 pg
17. 911/Radio Traffic, EN 191000002219 & 191000000931 – 1 CD
18. Photos, EN 191000002219 – 1 CD

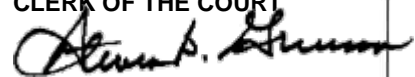
ROBSON HAUSER  
ATTORNEY FOR DEFENDANT

BY



, Nevada

nc/GU



**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
NICOLE J. CANNIZZARO  
Chief Deputy District Attorney  
Nevada Bar #011930  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TED MICHAEL DONKO,  
#2668752

Defendant.

CASE NO. C-19-345584-1

DEPT NO. XXV

**EX PARTE MOTION AND ORDER FOR RELEASE OF CERTIFIED  
MEDICAL RECORDS AND AUTHORIZATION FOR RELATED  
WITNESS TESTIMONY**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through NICOLE J. CANNIZZARO, Chief Deputy District Attorney, and moves this Honorable Court for an Order releasing evidence which includes protected health information being held by UNIVERSITY MEDICAL CENTER, consisting of any and all medical records, to include a certificate of custodian of records, for patient: FERNANDO ESPINOZA, DOB: September 18, 1977, concerning diagnosis, prognosis and/or treatment given or provided on or after October 1, 2019, which relate to injuries sustained on or about said date, to be released to a representative of the DISTRICT ATTORNEY'S OFFICE, and authorizing the appearance and testimony from any and all medical personnel referenced in the foregoing medical records at pre-trial conferences and all court proceedings, for the purpose of prosecuting the above referenced case charging the crimes of BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM

1 (Category B Felony - NRS 200.481 - NOC 50226); ATTEMPT MURDER WITH USE OF A  
2 DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC  
3 50031); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC  
4 50201); DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE,  
5 AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442); and  
6 OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B  
7 Felony - NRS 202.360 - NOC 51460).

8 Pursuant to 45 CFR164.512(f), Movant represents that the information sought is  
9 relevant and material to a legitimate law enforcement inquiry; that the request is specific and  
10 limited in scope to the extent reasonably practicable in light of the purpose for which the  
11 information is sought; and that de-identified information could not reasonably be used.

12 NOW THEREFORE, pursuant to 45 CFR164.512(f), and GOOD CAUSE  
13 APPEARING, IT IS HEREBY ORDERED that UNIVERSITY MEDICAL CENTER shall  
14 release to a representative of the DISTRICT ATTORNEY'S OFFICE, any and all medical  
15 records, to include a certificate of custodian of records, concerning diagnosis, prognosis,  
16 and/or treatment of FERNANDO ESPINOZA, whose date of birth is September 18, 1977,  
17 which were prepared on or after October 1, 2019, and relate to injuries sustained on or about  
18 said date.

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1 IT IS FURTHER ORDERED that any and all medical personnel referenced in the  
2 foregoing medical records shall be authorized to appear for pre-trial conferences and pursuant  
3 to subpoena to testify regarding their treatment of FERNANDO ESPINOZA at all court  
4 proceedings.

5 DATED this 15<sup>th</sup> day of January, 2020.

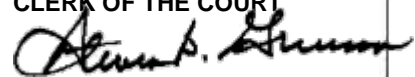
6  
7   
DISTRICT JUDGE

8 STEVEN B. WOLFSON  
9 Clark County District Attorney  
NEVADA BAR #001565

10  
11 BY 

12 NICOLE J. CANNIZZARO  
13 Chief Deputy District Attorney  
14 Nevada Bar #011930  
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27

28 lm/GU



**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
NICOLE J. CANNIZZARO  
Chief Deputy District Attorney  
Nevada Bar #011930  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TED MICHAEL DONKO,  
#2668752

Defendant.

CASE NO. C-19-345584-1

DEPT NO. XXV

**EX PARTE MOTION AND ORDER FOR RELEASE OF CERTIFIED  
MEDICAL RECORDS AND AUTHORIZATION FOR RELATED  
WITNESS TESTIMONY**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through NICOLE J. CANNIZZARO, Chief Deputy District Attorney, and moves this Honorable Court for an Order releasing evidence which includes protected health information being held by UNIVERSITY MEDICAL CENTER, consisting of any and all medical records, to include a certificate of custodian of records, for patient: JONATHAN SANCHEZ, DOB: April 10, 1991, concerning diagnosis, prognosis and/or treatment given or provided on or after October 1, 2019, which relate to injuries sustained on or about said date, to be released to a representative of the DISTRICT ATTORNEY'S OFFICE, and authorizing the appearance and testimony from any and all medical personnel referenced in the foregoing medical records at pre-trial conferences and all court proceedings, for the purpose of prosecuting the above referenced case charging the crimes of BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B

1 Felony - NRS 200.481 - NOC 50226); ATTEMPT MURDER WITH USE OF A DEADLY  
2 WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031);  
3 ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201);  
4 DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE,  
5 AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442); and  
6 OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B  
7 Felony - NRS 202.360 - NOC 51460).

8 Pursuant to 45 CFR164.512(f), Movant represents that the information sought is  
9 relevant and material to a legitimate law enforcement inquiry; that the request is specific and  
10 limited in scope to the extent reasonably practicable in light of the purpose for which the  
11 information is sought; and that de-identified information could not reasonably be used.

12 NOW THEREFORE, pursuant to 45 CFR164.512(f), and GOOD CAUSE  
13 APPEARING, IT IS HEREBY ORDERED that UNIVERSITY MEDICAL CENTER shall  
14 release to a representative of the DISTRICT ATTORNEY'S OFFICE, any and all medical  
15 records, to include a certificate of custodian of records, concerning diagnosis, prognosis,  
16 and/or treatment of JONATHAN SANCHEZ, whose date of birth is April 10, 1991, which  
17 were prepared on or after October 1, 2019, and relate to injuries sustained on or about said  
18 date.

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1 IT IS FURTHER ORDERED that any and all medical personnel referenced in the  
2 foregoing medical records shall be authorized to appear for pre-trial conferences and pursuant  
3 to subpoena to testify regarding their treatment of JONATHAN SANCHEZ at all court  
4 proceedings.

5 DATED this 16<sup>th</sup> day of January, 2020.

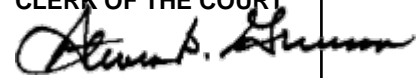
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DISTRICT JUDGE

8 STEVEN B. WOLFSON  
9 Clark County District Attorney  
NEVADA BAR #001565

10  
11 BY 

12 NICOLE J. CANNIZZARO  
13 Chief Deputy District Attorney  
14 Nevada Bar #011930  
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MOT  
DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR NO. 5674  
ROBSON M. HAUSER, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 13692  
**PUBLIC DEFENDERS OFFICE**  
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Robson.Hauser@clarkcountynv.gov  
*Attorneys for Defendant*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-19-345584-1
	)	
v.	)	DEPT. NO. XXV
	)	
TED MICHAEL DONKO,	)	
	)	
Defendant,	)	DATE: February 3, 2020
	)	TIME: 9:00 a.m.

**MOTION TO COMPEL PRODUCTION OF DISCOVERY & BRADY MATERIAL**

Defendant, TED MICHAEL DONKO, through counsel, ROBSON M. HAUSER, Deputy Public Defender, hereby requests this Honorable Court to order the State of Nevada to produce the discovery and Brady material discussed herein **at least 30 days before trial** pursuant to NRS 174.235; NRS 174.285; Kyles v. Whitley, 514 U.S. 419 (1995); Brady v. Maryland, 373 U.S. 83 (1963) (and their progeny).

This Motion is made and based upon all the papers and pleadings on file herein, the attached Declaration of Counsel and Memorandum of Points and Authorities, and oral argument at the time set for hearing this Motion.

DATED this 23rd day of January, 2020.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By: /s/Robson M. Hauser  
ROBSON M. HAUSER, #13692  
Deputy Public Defender



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ROBSON M. HAUSER makes the following declaration:

1. I am an attorney licensed to practice law in the State of Nevada and I am a Defender for the Clark County Public Defender's Office, counsel of record for MICHAEL DONKO, in the present matter;

2. I make this Declaration in support of Mr. Donko's Motion for Production of Brady material;

3. I am more than 18 years of age and am competent to testify as to the  
herein. I am familiar with the procedural history of the case and the substantive  
de by The State of Nevada. I also have personal knowledge of the facts stated  
e been informed of these facts and believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct. (NRS

EXECUTED this 23rd day of January, 2020.

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ROBSON M. HAUSER

1                                    **MEMORANDUM OF POINTS AND AUTHORITIES**

2                                    **STATEMENT OF FACTS**

3                    Ted Donko is charged by way of Information with three counts of Attempted Murder  
4 with the Use of a Deadly Weapon, two counts of Battery with Use of a Deadly Weapon  
5 Resulting in Substantial Bodily Harm, one count of Assault with a Deadly Weapon, one count of  
6 Discharging Firearm at or into Occupied Structure, Vehicle, Aircraft, or Watercraft, and one  
7 count of Ownership or Possession of Firearm by Prohibited Person. Trial is currently set to  
8 begin February 10, 2020, with a Calendar Call date of February 3, 2020.  
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## ARGUMENT

Prior to trial, prosecutors are required to disclose both inculpatory and exculpatory information within their actual or constructive possession.

### **I. Prosecutors must Disclose *Inculpatory* Evidence**

NRS 174.235 requires prosecutors to disclose evidence “within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known,” including:

- The defendant’s written or recorded statements or confessions,
- Any witness’s written or recorded statements the prosecuting attorney intends to call during the witness during the State’s case in chief,
- Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case,<sup>1</sup> and
- Books, papers, documents, tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during the State’s case in chief.

NRS 174.235(1)(a)-(c).

#### A. Prosecutors must disclose all inculpatory evidence, regardless of whether the material is intended for use in the government’s case in chief

Prosecutors may not lawfully withhold inculpatory information from the defense simply because they do not intend to present the information in the government’s case-in-chief. State v. Harrington, 9 Nev. 91, 94 (1873); People v. Carter, 312 P.2d 665, 675 (Cal.1957); People v. Bunyard, 756 P.2d 795, 809 (Cal. 1988). Any holding to the contrary would allow prosecutors to engage in unfair surprise by withholding inculpatory material from the government’s case-in-chief, only to surprise the defense by using it in rebuttal. Thus, prosecutors must disclose all

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<sup>1</sup> This includes medical data, imaging, films, reports and slides, histological, colposcopic, or otherwise. The right to counsel guaranteed by the Sixth Amendment obligates defense counsel to conduct “an adequate pre-trial investigation into . . . medical evidence.” Gersten v. Senkowski, 426 F.3d 588, 605 (2d Cir. 2005). This duty includes obtaining and reviewing pertinent medical imaging even if the testing reveals no significant findings. Id. at 605, 607-10 (discussing the exculpatory nature of “normal” medical examinations in cases in which a complainant alleges physical harm). Thus, the discovery obligations set forth in NRS 174.235(2) require prosecutors to disclose physical imaging and testing.

1 inculpatory evidence of which they are actually or constructively aware, including material not  
2 necessarily intended for introduction in the prosecution's case-in-chief.

3 B. Fundamental fairness requires that NRS 174.235 be interpreted to encompass all  
4 statements made by a defendant, regardless of whether they are reduced to writing or  
5 recorded

6 While NRS 174.235 obligates prosecutors to disclose a defendant's written or recorded  
7 statements, fundamental fairness requires disclosure of unrecorded statements and statements for  
8 which a defendant can be held vicariously liable.<sup>2</sup> Courts have recognized the fundamental  
9 fairness involved in "granting the accused equal access to his own words, no matter how the  
10 government came by them." U.S. v. Caldwell, 543 F.2d 1333, 1353 (D.D.C. 1974). This  
11 includes allowing an accused access to his unrecorded words, including adoptive or vicarious  
12 admissions. Since these admissions are admissible at trial whether recorded or not, NRS  
13 174.235 must be construed to require pretrial disclosure of any unrecorded statements or  
14 admissions, including those for which the defendant can be held vicariously liable.

## 15 **II. Prosecutors Must Disclose Exculpatory Evidence as Required by the U.S. and** 16 **Nevada Constitutions**

17 The United States and Nevada Constitutions require prosecutors to disclose all  
18 exculpatory information of which they are actually or constructively aware. U.S. Const. Amend.  
19 V, VI, XIV; Nev. Const. Art. 1, Sect. 8; Brady v. Maryland, 373 U.S. 83 (1963); Kyles v.  
20 Whitley, 514 U.S. 419, (1995). A prosecutor's failure to disclose exculpatory evidence violates  
21 the Due Process Clause. Jimenez v. State, 112 Nev. 610, 618 (1996). A due process violation  
22 occurs when exculpatory evidence is withheld, regardless of the prosecution's motive. Jimenez,  
23 112 Nev. 610.

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27 <sup>2</sup> NRS 51.035(3)(a)-(e) provides that a defendant can be held vicariously liable for  
28 statements made by third parties. See also Fields v. State, 129 Nev. 785 (2009) (finding  
evidence of defendant's silence following wife's complaint that she was in jail because of his  
conduct admissible as an adoptive admission).

1           A. Brady Places Broad Disclosure Obligations on Prosecutors, Questions About Which Must  
2           Be Resolved In Favor Of Disclosure

3           Exculpatory evidence is information favorable to the defendant that is material to the  
4           issue of guilt or punishment. U.S. v. Bagley, 473 U.S. 667, 675 (1985). Evidence is material  
5           and favorable to the accused if its non-disclosure undermines confidence in the outcome of the  
6           trial. Kyles, 514 U.S. at 434-35. This evidence must be disclosed even in the absence of a Brady  
7           request.<sup>3</sup> Bagley, 473 U.S. at 680-82.

8           Ultimately, prosecutors are tasked with a “broad duty of disclosure.” Strickler, 527 U.S.  
9           at 281; cf. U.S. v. Agurs, 427 U.S. 97, 108 (1976) (holding that “the prudent prosecutor will  
10          resolve doubtful questions in favor of disclosure”). As the Nevada Supreme Court has  
11          explained:

12                 Due process does not require simply the disclosure of “exculpatory” evidence.  
13                 Evidence also must be disclosed if it provides grounds for the defense to attack the  
14                 reliability, thoroughness, and good faith of the police investigation, to impeach the  
15                 credibility of the state’s witnesses, or to bolster the defense case against  
                    prosecutorial attacks. Furthermore, “discovery in a criminal case is not limited to  
                    investigative leads or reports that are admissible in evidence.” Evidence “need not  
                    have been independently admissible to have been material.”

16          Mazzan v. Warden, 116 Nev. 48, 67 (2000) (internal citations omitted). Thus, any question as to  
17          whether certain material, information, or evidence falls within the purview of Brady should be  
18          resolved in favor of disclosure. Agurs, 427 U.S. at 108; see also Kyles, 514 U.S. at 439 (“a  
19          prosecutor anxious about tacking too close to the wind will disclose a favorable piece of  
20          evidence.”).

21          ///

22          ///

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23                         <sup>3</sup> However, a specific Brady request changes the standard of review on appeal. When a  
24                         defendant makes a specific request, a reversal is warranted when “there exists a reasonable  
25                         *possibility* that the claimed evidence would have affected the judgment of the trier of fact.”  
26                         Jimenez, 112 Nev. 619; State v. Bennett, 119 Nev. 589 (2003). However, absent a specific  
27                         request, reversal is warranted, “if there exists a reasonable *probability* that, had the evidence  
28                         been disclosed, the result of the proceeding would have been different.” Bagley, 473 U.S. at  
                    667, 682, 685; Pennsylvania v. Ritchie, 480 U.S. 39, 57 (1986). A reasonable probability is a  
                    probability sufficient to undermine confidence in the outcome. Bagley, 473 U.S. at 678, 685;  
                    Ritchie, 480 U.S. at 57.

1       B. Favorable Evidence Includes Impeachment Information

2       The Due Process Clause of the Fifth and Fourteenth Amendments requires prosecutors to  
3 disclose “any information about its witnesses that could cast doubt on their credibility.” U.S. v.  
4 Jennings, 960 F.2d 1488, 1490 (9th Cir. 1992). A witness can be attacked by “revealing possible  
5 biases, prejudices, or ulterior motives of the witnesses as they may relate directly to issues or  
6 personalities in the case at hand. The partiality of a witness is . . . always relevant [to]  
7 discrediting the witness and affecting the weight of his testimony.” Davis, 415 U.S. at 316; see  
8 also Lobato v. State, 120 Nev. 512 (2004) (discussing the nine basic modes of impeachment).  
9 Accordingly, favorable evidence includes impeachment information pertaining to all government  
10 witnesses. Giglio v. U.S., 405 U.S. 150, 154 (1972); Youngblood v. West Virginia, 547 U.S.  
11 867 (2006); U.S. v. Bagley, 473 U.S. at 676 (requiring disclosure of all impeachment evidence).

12       *1. Impeachment information includes cooperation agreements and benefits*

13       Impeachment information includes all cooperation agreements between a government  
14 witness and prosecutors. Giglio v. U.S., 405 U.S. 150, 154 (1972) (requiring disclosure of  
15 cooperation agreement between government witness and prosecutors). It also includes benefits  
16 provided to a government witness, regardless of whether an explicit deal is outlined. Browning  
17 v. State, 120 Nev. 347, 369 (2004). It is the witness’s own anticipation of reward, not the intent  
18 of the prosecutor, which gives rise to the required disclosure. Moore v. Kemp, 809 F.2d 702,  
19 726, 729-30 (11th Cir. 1987); Duggan v. State, 778 S.W.2d 465, 468 (Tex. Crim. App. 1989)  
20 (noting that agreements need not be express or formal arrangements, and recognizing favorable  
21 treatment that is merely implied, suggested, insinuated, or inferred to be of possible benefit to a  
22 witness constitutes proper material for impeachment).

23       Notably, benefits are not limited to agreements made in relation to the case in which they  
24 are sought. Jimenez, 112 Nev. at 622-23. Benefits include evidence that a witness acted as a  
25 paid informant on one or more occasions. State v. Bennett, 119 Nev. 589, 603 (2003).  
26 Additionally, benefits include travel and lodging compensation, immigration assistance of any  
27 kind, whether actual or anticipatory, as well as counseling, treatment, or other assistance  
28

1 provided to any witness. These benefits are relevant to issues regarding possible bias,  
2 credibility, and motive to lie, all of which constitute impeachment evidence. Davis v. Alaska,  
3 415 U.S. 308 (1974).

4 *2. A witness's criminal history constitutes impeachment information*

5 Impeachment information includes evidence relating to a witness's criminal history.  
6 Briggs v. Raines, 652 F.2d 862, 865-66 (9th Cir. 1981). Under Brady, prosecutors must produce  
7 criminal histories useful to demonstrating a witness's history of, or propensity for, a relevant  
8 character trait. Id. Prosecutors must also produce criminal histories disclosing a witness's bias,  
9 prejudice or motive to lie. Davis, 415 U.S. at 354.

10 A witness's entire criminal record should be disclosed, even if it is more than ten years  
11 old. Moore, 809 F.2d 702. Prosecutors are often under the mistaken impression that they must  
12 disclose only felony convictions within the last ten years that can be utilized for impeachment  
13 under NRS 50.095. However, in Davis, the U.S. Supreme Court found that a witness can be  
14 attacked by "revealing possible biases, prejudices, or ulterior motives . . . . The partiality of a  
15 witness is . . . always relevant [to] discrediting the witness and affecting the weight of his  
16 testimony." 415 U.S. at 354 (internal quotations omitted). The Davis Court found that the  
17 policy interest in protecting offender records must yield to the defendant's right to cross-examine  
18 as to bias. Id. at 356; see also Lobato v. State, 120 Nev. 512 (2004), discussing the "nine basic  
19 modes of impeachment." Therefore, even juvenile records, misdemeanors, and older criminal  
20 records may yield information relevant to many forms of impeachment other than that outlined in  
21 NRS 50.095.

22 Prosecutors must also produce criminal history information maintained by law  
23 enforcement agencies other than the Las Vegas Metropolitan Police Department, such as the  
24 federal government's National Crime Information Center ("NCIC") database.<sup>4</sup> "[K]nowledge

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25 <sup>4</sup> Federal law permits disclosure of NCIC information under circumstances such as those  
26 here. 28 C.F.R. Chapter 1 addresses the U.S. Dept. of Justice and Criminal Justice Information  
27 Systems. 28 C.F.R. Sec. 20.33 sets forth the instances in which NCIC information may be  
28 disclosed. It provides for NCIC disclosure "(1) To criminal justice agencies for criminal justice  
purposes . . . ." 28 C.F.R. Sec. 20.3(g) defines criminal justice agencies as *inter alia* courts.  
Additionally, 28 C.F.R. Sec. 20.3 defines the "[a]dministration of criminal justice" to include the

1 [of the NCIC database] may be imputed to the prosecutor, or a duty to search may be imposed, in  
2 cases where a search for readily available background information is routinely performed, such  
3 as routine criminal background checks of witnesses.” Odle v. Calderon, 65 F. Supp. 2d 1065,  
4 1072 (N.D. Cal. 1999), rev’d on other grounds by Odle v. Woodford, 238 F.3d 1084 (9th Cir.  
5 2001). A prosecutor’s lack of knowledge regarding a witness’s criminal history does not relieve  
6 the prosecutorial obligation to obtain and produce that information. Martinez v. Wainwright,  
7 621 F.2d 184, 187-89 (5th Cir. 1980) (defendant entitled to criminal records of state-government  
8 witnesses, including data obtainable from the FBI; prosecutor’s lack of awareness of alleged  
9 victim’s criminal history did not excuse duty to obtain and produce rap sheet).

10 Requiring prosecutors to run background checks on their witnesses is not a novel  
11 proposition. See U.S. v. Perdomo, 929 F.2d 967 (3d Cir. 1991) (adopting 5th Circuit’s rationale  
12 in requiring government to obtain complete criminal history on prosecution witnesses). It is the  
13 prosecutor’s “obligation to make a thorough inquiry of all enforcement agencies that had a  
14 potential connection with the witnesses . . . .” U.S. v. Thornton, 1 F.3d 149 (3d Cir. 1993). If the  
15 witness has no criminal history, the prosecutor is not required to produce the NCIC printout, as it  
16 need not disclose a lack of criminal history. U.S. v. Blood, 435 F.3d 612, 627 (6th Cir. 2006).  
17 Thus, prosecutors must run a thorough background check on every witness they intend to call,  
18 and produce all criminal history information to the defense.

19 *3. Impeachment information includes evidence contradicting a government witness’s*  
20 *statement*

21 Impeachment evidence encompasses prior inconsistent statements and other evidence that  
22 contradicts government witnesses. Accordingly, prosecutors must disclose prior inconsistent  
23 statements by prosecution witnesses. Lay v. State, 116 Nev. 1185, 1199 (2000). Prosecutors  
24 must also disclose other evidence contradicting the testimony of government witnesses. Rudin v.  
25 State, 120 Nev. 121, 139 (2004).

26 “performance of any of the following activities . . . adjudication . . . .” Therefore, the C.F.R.  
27 authorizes prosecutors to access and disclose NCIC data pursuant to Court order as part of a  
28 criminal case adjudication.



1           4. *Confidential records must be disclosed if they contain impeachment information*

2           Impeachment evidence can derive from privileged or confidential material. When this  
3 occurs, the privileged or confidential nature of the material at issue must yield to a defendant's  
4 constitutionally secured right to confront and cross-examine those who testify against him.  
5 Davis, 415 U.S. at 356 (finding the State's interest in maintaining confidentiality of juvenile  
6 records must yield to defendant's right to cross-examine as to bias); see also U.S. v. Nixon, 418  
7 U.S. 683, 713 (1974) (generalized assertion of privilege must yield to demonstrated, specific  
8 need for evidence in a pending criminal case). Thus, prosecutors must obtain and disclose  
9 privileged and confidential records when the records contain information bearing on witness  
10 credibility.<sup>5</sup>

11           This includes mental health records. U.S. v. Lindstrom, 698 F.2d 1154, 1166-67 (11th  
12 Cir. 1983); U.S. v. Robinson, 583 F.3d 1265, 1271-74 (10th Cir. 2009); Wyman v. State, 125  
13 Nev. 592, 607-08 (2009). It also includes Child Protective Services (or the functional  
14 equivalent) and school records. See Pennsylvania v. Ritchie, 480 U.S. 39, 60 (1987) (defendant  
15 entitled to *in camera* review of Child and Youth Services records<sup>6</sup>); and State v. Cardall, 982  
16 P.3d 79, 86 (Utah 1999) (defendant entitled to complainant's school psychological records  
17 indicating she had propensity to lie and had fabricated prior rape allegations). It further includes  
18 adult and juvenile parole, probation, jail, and prison records. U.S. v. Strifler, 851 F.2d 1197,  
19 1201 (9th Cir. 1988); Carriger v. Stewart, 132 F.3d 463, 479-82 (9th Cir. 1997) (requiring  
20 production of Department of Corrections file on principle government witness); Davis, 415 U.S.  
21 at 356; see also Bennett, 119 Nev. at 603 (2003) (failure to disclose co-conspirator's juvenile  
22 records in penalty hearing amounted to Brady violation). Thus, prosecutors cannot refuse

23  
24           <sup>5</sup> At a minimum, otherwise confidential or privileged material must be submitted to the  
25 Court for an *in camera* review to determine materiality. Pennsylvania v. Ritchie, 480 U.S. 39, 60  
(1987).

26           <sup>6</sup> The Ritchie Court held that the State cannot claim privilege to refuse disclosure of CPS  
27 records, unless there is a statutory scheme that forbids any use, including disclosure to a  
28 prosecutor, of such records. Ritchie, 480 U.S. at 57-58. NRS 432B.290 allows for disclosure of  
such records to the prosecutor and to the court for *in camera* review.

1 disclosure of impeachment information on the basis that the information is privileged or  
2 confidential.

3 *5. Impeachment Information Includes Prior Allegations of Sexual Misconduct and Prior*  
4 *Sexual Knowledge*

5 Under Nevada law, prior false allegations of sexual misconduct amount to an exception  
6 to rape shield laws. Miller v. State 105 Nev. 497 (1989). Accordingly, Nevada law authorizes  
7 disclosure of prior false allegations, including those made by juvenile complainants. NRS  
8 432B.290(3) specifically authorizes child welfare agencies to disclose “the identity of a person  
9 who makes a report or otherwise initiates an investigation . . . if a court, after reviewing the  
10 record *in camera* and determining that there is reason to believe that the person knowingly made  
11 a false report, orders the disclosure.” Similarly, the Ninth Circuit recognizes it is error to  
12 exclude evidence of minor’s prior false sexual assault allegations as this evidence “might  
13 reasonably have influenced the jury’s assessment of [the complainant’s] reliability or credibility .  
14 . . .” Fowler v. Sacramento Co. Sheriff’s Dept., 421 F.3d 1027, 1032-33; 1040 (9th Cir. 2005).

15 Impeachment evidence in sexual misconduct cases further includes evidence of a  
16 complainant’s prior sexual conduct to show sexual knowledge. Summitt v. State, 101 Nev. 159  
17 (1985); see also Holley v. Yarborough, 568 F.3d 1091, 1099-1100 (9th Cir. 2009) (finding it was  
18 error to exclude evidence that complainant made comments to friends regarding a prior sexual  
19 encounter and claimed other boys expressed a desire to engage in sexual acts with her, as this  
20 evidence revealed complainant’s active sexual imagination, and may have altered jury’s  
21 perception of the complainant’s credibility and reliability of her claims). Thus, prosecutors must  
22 disclose evidence of a complainant’s prior accusations of sexual misconduct as well as evidence  
23 of a complainant’s prior sexual conduct in cases where such evidence bears on the charged  
24 crimes.

25 *6. Law enforcement personnel files may contain impeachment information*

26 Under U.S. v. Henthorn, 931 F.2d 29, 31 (9th Cir. 1991), prosecutors must examine law  
27 enforcement personnel files upon defense request. See also U.S. v. Cadet, 727 F.2d 1453 (9th  
28

1 Cir. 1984). A defendant is not required to make an initial showing of materiality before  
2 prosecutors must examine the files—the examination obligation arises solely from the  
3 defendant’s request. Henthorn, 931 F.2d at 31. “Absent such an examination, [the State] cannot  
4 ordinarily determine whether it is obligated to turn over the files.” Id. Once examined,  
5 prosecutors must “disclose information favorable to the defense that meets the appropriate  
6 standard of materiality . . . . If the prosecution is uncertain about the materiality of the  
7 information within its possession, it may submit the information to the trial court for an in  
8 camera inspection and evaluation . . . .” Henthorn, 931 F.2d at 30-31 (quoting Cadet, 727 F.2d at  
9 1467-68). Thus, if requested to do so by the defense, the prosecution must canvass relevant law  
10 enforcement personnel files for information material to the case.

11 C. Favorable Evidence Includes Witnesses with Exculpatory Information

12 Prosecutors must disclose the identity of witnesses possessing exculpatory information,  
13 as no legitimate interest is served by precluding the defense from calling such witnesses for trial.  
14 U.S. v. Eley, 335 F.Supp. 353 (N.D. Ga. 1972); U.S. v. Houston, 339 F.Supp. 762 (N.D. GA  
15 1972).

16 D. Favorable Evidence Includes Evidence of Third-Party Guilt

17 The U.S. Constitution guarantees a criminal defendant the right to present evidence of  
18 third-party guilt. See Holmes v. South Carolina, 547 U.S. 319 (2006) (holding that refusal to  
19 allow defendant to present evidence of third party guilt deprives him of a meaningful right to  
20 present a complete defense under the Sixth and Fourteenth Amendments to the U.S.  
21 Constitution). Under Brady, prosecutors must disclose all evidence suggesting another  
22 perpetrator committed the charged crimes. Lay, 116 Nev. at 1195-96. This includes evidence  
23 that another individual was arrested in connection with the charged crime. Banks v. Reynolds,  
24 54 F.3d 1508, 1518 n.21 (10th Cir. 1995). It also includes evidence of investigative leads  
25 pointing to other suspects. Jimenez, 112 Nev. at 622-23 (withholding evidence of investigative  
26 leads to other suspects, regardless of admissibility, constitutes Brady violation).

1        Additionally, prosecutors must provide the actual documents, evidence, and reports  
2        pertaining to evidence of third-party guilt; it is not enough for prosecutors to provide the defense  
3        with a summary of the information relating to other suspects. Mazzan, 116 Nev. at 69 (summary  
4        of prosecutor’s perspective on written reports relating to potential suspects were constitutionally  
5        inadequate; actual reports should have been disclosed pursuant to Brady); Bloodworth v. State,  
6        512 A.2d 1056, 1059-60 (Md. 1986). Thus, prosecutors must disclose any information or  
7        evidence indicating someone other than the instant defendant committed the charged crimes.

8        E. Favorable Evidence Includes All Evidence that May Mitigate a Defendant’s Sentence

9        Favorable evidence also includes evidence which could serve to mitigate a defendant’s  
10       sentence upon conviction. Jimenez, 112 Nev. 610. Accordingly, prosecutors must disclose any  
11       evidence tending to mitigate punishment in the instant matter.

12       **III. The Disclosure Obligations Conferred by NRS 174.235 and Brady Include Rough**  
13       **Notes**

14       Raw notes made by any law enforcement officer or other prosecution agent in connection  
15       with the investigation of instant matter must be disclosed to the defense. See, e.g., State v.  
16       Banks, 2014 WL 7004489 (Nev. S.Ct. Dec. 10, 2014) (unpublished) (court did not take issue  
17       with lower court’s order requiring preservation and disclosure of police officer’s rough notes);  
18       see also U.S. v. Clark, 385 F.3d 609, 619 (6th Cir. 2004) (finding rough notes discoverable under  
19       F.R.C.P. 16); U.S. v. Molina-Guevara, 96 F.3d 698, 705 (3d Cir. 1996) (remanding on other  
20       grounds but noting that, on remand, production of rough notes required under F.R.C.P. 16); U.S.  
21       v. Harris, 543 F.2d 1247 (9th Cir. 1976) (noting as important, and requiring preservation of, law  
22       enforcement rough notes). Notably, this does not include information amounting to work  
23       product.

24       In Hickman v. Taylor, 329 U.S. 495, 508-11 (1947), the U.S. Supreme Court recognized  
25       the privileged nature of discussions relating to the preparation of a case for trial.<sup>7</sup> The work

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26       <sup>7</sup> “In performing his various duties, however, it is essential that a lawyer work with a  
27       certain degree of privacy, free from unnecessary intrusion by opposing parties and their  
28       counsel... Proper preparation of a client’s case demands that he assemble information, sift what  
     he considers to be the relevant from the irrelevant facts, prepare his legal theories and plan his

product doctrine announced in Hickman shelters not only material generated by an attorney in preparation for trial, but by his agent, as well:

At its core, the work product doctrine shelters the mental processes of the attorney, providing a privileged area within which he can analyze and prepare his client's case. But the doctrine is an intensely practical one, grounded in the realities of litigation in our adversary system. One of those realities is that attorneys often must rely on the assistance of investigators and other agents in preparation for trial. It is therefore necessary that the doctrine protect material prepared by agents for the attorney as well as those prepared by the attorney himself. Moreover, the concerns reflected in the work-product doctrine do not disappear once trial has begun . . . .

U.S. v. Nobles, 422 U.S. 225, 238-39 (1975). Codifying this, NRS 174.235(2) exempts from discovery:

1. An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case.
2. A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the constitution or laws of this state or the Constitution of the United States.

Accordingly, only raw notes generated by, or on behalf of, the prosecutor are exempted from disclosure under the work product doctrine. Any other raw notes compiled during the investigation of this matter must be turned over pursuant to the disclosure obligations imposed by NRS 174.235 and Brady.

#### **IV. The Disclosure Obligations Set Forth Above Extend to All Material in the Prosecutors Actual or Constructive Possession**

Prosecutors must turn over all material related to the case in the possession, control and custody of any government agent or agency. See U.S. v. Blanco, 392 F.3d 382, 388 (9th Cir.

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strategy without undue and needless interference... This work is reflected, of course, in interviews, statements, memoranda, correspondence, briefs, mental impressions, personal beliefs, and countless other tangible and intangible ways – aptly... termed... as the ‘work product of the lawyer.’ Were such materials open to opposing counsel on mere demand, much of what is now put down in writing would remain unwritten. An attorney’s thoughts, heretofore inviolate, would not be his own. Inefficiency, unfairness and sharp practices would inevitably develop in the giving of legal advice and in the preparation of cases for trial. The effect on the legal profession would be demoralizing. And the interests of clients and the cause of justice would be poorly served.” Id.

1 2004). Prosecutors are responsible for disclosing evidence in their possession as well as  
2 evidence held or maintained by other government agents, as “it is appropriate to charge the State  
3 with constructive knowledge” of evidence held by any investigating agency. Bennett, 119 Nev.  
4 at 603.

5 This constructive possession rule applies to evidence that is *withheld* by other agencies.  
6 Bennett, 119 Nev. at 603. Even if investigating officers withhold reports without the  
7 prosecutor’s knowledge, “the state attorney is *charged with constructive knowledge and*  
8 *possession of evidence withheld by other state agents*, such as law enforcement officers.” Id.  
9 (internal quotations and citation omitted) (emphasis added). “Exculpatory evidence cannot be  
10 kept out of the hands of the defense just because the prosecutor does not have it, where an  
11 investigative agency does.” U.S. v. Zuno-Arce, 44 F.3d 1420, 1427 (9th Cir. 1995). “It is a  
12 violation of due process for the prosecutor to withhold exculpatory evidence, and his motive for  
13 doing so is immaterial.” Jimenez, 112 Nev. at 618.

14 In fact, a prosecutor has an *affirmative obligation* to obtain Brady material and provide it  
15 to the defense, *even if the prosecutor is initially unaware of its existence*. “The prosecution’s  
16 affirmative duty to disclose evidence favorable to a defendant can trace its origins to early 20th  
17 century strictures against misrepresentation and is of course most prominently associated with  
18 this Court’s decision in Brady . . . .” Kyles, 514 U.S. at 432. This obligation exists even where  
19 the defense does not make a request for such evidence. Id. As the U.S. Supreme Court  
20 explained:

21 This in turn means that the individual prosecutor *has a duty to learn* of any  
22 favorable evidence known to the others acting on the government’s behalf in the  
23 case, including the police. But whether the prosecutor succeeds or fails in meeting  
24 this obligation (whether, that is, a failure to disclose is in good faith or bad faith),  
25 the prosecution’s responsibility for failing to disclose known, favorable evidence  
26 rising to a material level of importance is inescapable. . . . Since then, the  
27 prosecutor has the means to discharge the government’s Brady responsibility if he  
28 will, any argument for excusing a prosecutor from disclosing what he does not  
happen to know about boils down to a plea to substitute the police for the  
prosecutor, and even for the courts themselves, as the final arbiters of the  
government’s obligation to ensure fair trials.

1 Kyles, 514 U.S. at 437-38 (emphasis added) (citations and footnotes omitted); see also Carriger,  
2 132 F.3d at 479-82 (holding that “the prosecution has a duty to learn of any exculpatory evidence  
3 known to others acting on the government’s behalf. *Because the prosecution is in a unique*  
4 *position to obtain information known to other agents of the government, it may not be excused*  
5 *from disclosing what it does not know but could have learned.*” (citations omitted) (emphasis  
6 added). Thus, the disclosure obligations outlined above extend not only to material directly in  
7 the possession of prosecutors, but material prosecutors constructively possess, as well.

8 **V. An “Open File” Policy Does Not Obviate the Disclosure Obligations Outlined Above**

9 Historically, the Clark County District Attorney’s Office (CCDA) has employed an open  
10 file policy in which prosecutors allow defense counsel to review the discovery contained in the  
11 government’s trial file. While the CCDA currently may not be adhering to this practice, it is  
12 worth noting that an open file policy does not vitiate above-referenced disclosure obligations.  
13 Strickler, 527 U.S. at 283 (holding that a prosecutor’s open file policy does not in any way  
14 substitute for or diminish the State’s obligation to turn over Brady material). “If a prosecutor  
15 asserts that he complies with Brady through an open file policy, defense counsel may reasonably  
16 rely on that file to contain all materials the State is constitutionally obligated to disclose under  
17 Brady.” Strickler, 527 U.S. at 283, n.23.; see also Amando v. Gonzalez, 758 F.3d 1119, 1136  
18 (9th Cir. 2014); McKee v. State, 112 Nev. 642, 644 (1996) (reversing a judgment of conviction  
19 based on prosecutorial misconduct where the prosecutor did not make available all relevant  
20 inculpatory and exculpatory evidence consistent with the county district attorney’s open file  
21 policy); see also Furbay v. State, 116 Nev. 481 (2000) (discussing prosecution’s duty to provide  
22 all evidence in its possession where it has promised to do so). Accordingly, if the defense relies  
23 on the government’s assurance of an open file policy, the defense is not required to hunt down  
24 information otherwise obtained and maintained pursuant to that policy.

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1 **VI. Adjudication of the Instant Motion is Necessary for Preservation of Issues Relating**  
2 **to Discovery Disclosures**

3 NRS 174.235 requires disclosure of (1) written and recorded statements of a defendant or  
4 any witness the prosecutor intends to call in his case-in-chief; (2) results and reports of any  
5 examinations or tests conducted in connection with the case at bar; and (3) any document or  
6 tangible object the prosecutor intends to introduce in his case in chief—upon the request of the  
7 defense. Additionally, constitutional jurisprudence requires disclosure of any evidence tending  
8 to exculpate the accused. The instant Motion is brought, *inter alia*, to ensure the availability of  
9 appropriate sanctions should later discovery issues arise. This requires a Court Order compelling  
10 the production of the information and material sought herein. Donovan v. State, 94 Nev. 671  
(Nev. 1978).

11 A. Nevada Law Provides for Judicial Oversight of the State's Discovery Obligations

12 Eighth Judicial District Court Rule (EDCR) 3.24 governs discovery motions in local  
13 criminal practice. It states:

14 (a) Any defendant seeking a court order for discovery pursuant to the provisions of  
15 NRS 174.235 or NRS 174.245 may make an oral motion for discovery at the  
16 time of initial arraignment. The relief granted for all oral motions for discovery  
will be as follows:

- 17 (1) That the State of Nevada furnish copies of all written or recorded  
18 statements or confessions made by the defendant which are within the  
19 possession, custody or control of the State, the existence of which is  
known or by the exercise of due diligence may become known to the  
district attorney.
- 20 (2) That the State of Nevada furnish copies of all results or reports of  
21 physical or mental examinations, and of scientific tests or experiments  
22 made in connection with this case which are within the possession,  
custody or control of the State, the existence of which is known or by  
the exercise of due diligence may become known to the district  
attorney.
- 23 (3) That the State of Nevada permit the defense to inspect and copy or  
24 photograph books, papers, documents, tangible objects, buildings,  
25 places, or copies or portions thereof, which are within the possession,  
custody or control of the State, provided that the said items are material  
26 to the preparation of the defendant's case at trial and constitute a  
reasonable request.
- 27  
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1 (b) Pursuant to NRS 174.255, the court may condition a discovery order upon a  
2 requirement that the defendant permit the State to inspect and copy or  
3 photograph scientific or medical reports, books, papers, documents, tangible  
4 objects, or copies or portions thereof, which the defendant intends to produce at  
the trial and which are within the defendant's possession, custody or control  
provided the said items are material to the preparation of the State's case at trial  
and constitute a reasonable request.

5 Thus, EDCR 3.24 specifically provides for the discovery motion brought in the instant matter.

6 Not surprisingly, the Nevada Supreme Court has held that a discovery motion and  
7 corresponding order is a prerequisite to obtaining relief under NRS 174.295<sup>8</sup> for later discovery  
8 violations:

9 Although NRS 174.295 provides relief for a prosecutor's failure to notify defense  
10 counsel of all discoverable material, that statute is only operative in situations  
11 where a previous defense motion has been made and a court order issued. That  
12 provision is not applicable to any informal arrangements that are made, as here  
between counsel without benefit of court sanction.

13 Donovan, 94 Nev. 671 (internal citations omitted).

14 This comports with other portions of NRS 174, which, by implication, suggests criminal  
15 discovery is a matter that must be pursued by way of motion rather than a simple written or oral  
16 request. For example, NRS 174.285 states that "a request made pursuant to NRS 174.235 or  
17 174.245 may be made only within 30 days after arraignment or at such reasonable time *as the*  
18 *court may permit*. A party shall comply with a request made pursuant to NRS 174.235 or  
19 174.245 not less than 30 days before trial or at such reasonable later time *as the court may*  
20 *permit*." (Emphasis added). The judicial permission required for late discovery requests and late  
21 compliance contemplates judicial oversight of discovery matters.

22 Similarly, NRS 174.125 contemplates discovery requests via written motion. NRS  
23 174.125 requires that, any motion "which by [its] nature, if granted, delay[s] or postpone[s] the  
24 time of trial must be made before trial, unless an opportunity to make such a motion before trial  
25 did not exist or the moving party was not aware of the grounds for the motion before trial." A  
26 discovery request, depending on the timing and nature of the request, may necessarily cause a

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27 <sup>8</sup> NRS 174.295 sets forth sanctions for discovery violations, such as inspection of  
28 material not properly disclosed, trial continuance, or exclusion of the undisclosed material.

1 trial delay. Accordingly, under NRS 174.125, discovery requests should be made via motion  
2 prior to trial. Id.

3 Thus, the statutorily-based discovery requests set forth herein are properly brought before  
4 this Honorable Court and must be adjudicated. Refusal to adjudicate the instant Motion obviates  
5 Mr. Donko’s statutorily created liberty interest in (1) ensuring access to the discoverable material  
6 covered by NRS 174 and (2) ensuring application of the enforcement and sanction provisions  
7 outlined in NRS 174. Such an arbitrary deprivation of a state-created liberty interest violates the  
8 Due Process Clause. See Hicks v. Oklahoma, 447 U.S. 343, 346 (1980) (arbitrary deprivation of  
9 state-created liberty interest amounts to Due Process violation).

10 B. Brady Material and Relevant Authority

11 Brady and related authority also contemplate pre-trial regulation and adjudication of  
12 prosecutorial disclosures. Brady is not a discovery rule but a rule of fairness and minimum  
13 prosecutorial obligation. Curry v. U.S., 658 A.2d 193, 197 (D.C. 1995) (internal quotations and  
14 citations omitted). It does not require the production of specific documents. It requires the  
15 production of information. This prosecutorial obligation is non delegable—it is not contingent  
16 on, nor is the defense required to make, specific Brady requests. See Strickler, 527 U.S. at 281-  
17 82 (setting forth the elements of a Brady claim and clarifying that there is no requirement that  
18 defense make request).<sup>9</sup>

19 However, to prevail on a Brady claim, should one arise, a defendant must establish that  
20 (1) the prosecution was in actual or constructive possession of favorable information; (2) the  
21 prosecution failed to disclose this information to the defense in a timely fashion or at all; and (3)  
22 the withheld information was material to the outcome of the trial. Strickler, 527 U.S. at 281-82.  
23 The standard for determining materiality depends upon whether defense counsel requested the

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24 <sup>9</sup> Any argument by prosecutors that “the defense is able to independently seek out any  
25 discovery which they desire . . . it is not the State’s responsibility to perform investigations or  
26 inquiries on behalf of the defense,”—common responses to defense discovery motions—is  
27 patently wrong. Strickler, 527 U.S. at 281-82 (rejecting the argument that defense counsel  
28 should have uncovered Brady information); Banks v. Dretke, 540 U.S. 668, 695-98 (2004) (“A  
rule thus declaring ‘prosecutor may hide, defendant must seek’ is not tenable in a system  
constitutionally bound to accord defendants due process.”).

1 information at issue and, if a request was made, whether the request was specific or general in  
2 nature. “If a defendant makes no request or only a general request for information, the evidence  
3 is material when a reasonable *probability* exists that the result would have been different had it  
4 been disclosed.” Bennett, 119 Nev. at 600 (emphasis added). Yet, “if the defense request is  
5 specific, the evidence is material upon the lesser showing that a reasonable *possibility* exists of a  
6 different result had there been disclosure.” Id. (emphasis added) Accordingly, the fact and  
7 nature of a Brady request is critical to later adjudication of alleged Brady violations.

8 Defense counsel enjoys to the right to pursue Brady requests—and thereby construct the  
9 record on them—in the manner counsel sees fit. The best way to ensure that the record  
10 adequately reflects the nature and scope of a Brady request is via pre-trial discovery motion—a  
11 motion, as set forth above, specifically provided for by Nevada law.<sup>10</sup> See Myles v. State, 127  
12 Nev. 1161 (2011) (unpublished) (no discovery violation where undisclosed photo not requested  
13 as part of discovery motion).

14 A cursory review of federal discovery jurisprudence reveals the broad authority with  
15 which trial courts are vested to regulate pretrial Brady disclosures and thereby ensure that this  
16 constitutional rule—which exists to prevent a miscarriage of justice—works as it should.  
17 Bagley, 473 U.S. at 675; U.S. v. Odom, 930 A.2d 157, 158 (D.C. 2007); see also U.S. v. W.R.  
18 Grace, 526 F.3d 499, 509 (9th Cir. 2008) (affirming trial court’s order requiring government to  
19 disclose its finalized witness list a year prior to trial as an exercise of the court’s inherent  
20 authority to manage its docket”); U.S. v. Coppa, 267 F.3d 132, 146 (2d Cir. 2001)  
21 (acknowledging trial court’s discretion to order pretrial disclosures as a matter of sound case  
22 management); U.S. v. Rigas, 779 F. Supp. 408, 414 (M.D. Pa. 2011 (recognizing authority of  
23 trial court to order pretrial disclosure of Brady material to ensure effective administration of  
24 criminal justice system); U.S. v. Cerna, 633 F. Supp. 2d 1053, 1057 (N.D. Cal. 2009) (exercising  
25 power to issue Brady order); U.S. v. Thomas, 2006 WL 3095956 (D.N.J. 2006) (issuing pretrial  
26 order regulating, *inter alia*, Brady disclosures).

27 <sup>10</sup> This is especially true given the absence of compelling Nevada or other authority  
28 recognizing an informal Brady request as sufficient to preserve the record on this critical issue.

1 Indeed, trial courts must, as a constitutional matter, exercise this oversight power. Boyd  
2 v. U.S., 908 A.2d 39, 61 (D.C. 2006) (“courts have the obligation to assure that [prosecutorial  
3 discretion] is exercised in a manner consistent with the right of the accused to a fair trial”); see  
4 also Smith v. U.S., 665 A.2d 962 (D.C. 2008) (abuse of discretion for court to refuse to review a  
5 transcript *in camera* where prosecution concede there were “minor inconsistencies in the  
6 testimony as to how the shooting happened”). As such, judicial oversight of Brady disclosures is  
7 commonplace in federal criminal prosecutions. See, e.g., U.S. v. Johnson, 2010 WL 322143  
8 (W.D. Pa. 2010) (trial court ordering government to disclose all Brady material, including  
9 impeachment material no later than ten days prior to trial); U.S. v. Lekhtman 2009 WL 5095379  
10 at 1 (E.D.N.Y. 2009) (ordering disclosure of Brady material as it is discovered and Giglio  
11 material two weeks before commencement of trial); U.S. v. Rodriguez, 2009 WL 2569116 at 12  
12 S.D.N.Y. 2009) (ordering government to turn over Brady material as it is discovered and Giglio  
13 material twenty-one days before trial); U.S. v. Libby, 432 F. Supp. 2d 81, 86-87 (D.D.C. 2006)  
14 (ordering immediate production of all Brady material); U.S. v. Thomas, 2006 CR 553, 2006 WL  
15 3095956 (D.N.J. 2006) (unpublished) (ordering disclosure of “[a]ny material evidence favorable  
16 to the defense related to issues of guilt, lack of guilt, or punishment . . . within the purview of  
17 Brady and its progeny” within ten days of order). Thus, the constitutionally-based Brady  
18 requests set forth herein are properly brought before this Honorable Court and must be  
19 adjudicated to preserve Mr. Donko’s rights.

## 20 **VII. The Court Must Adjudicate the Instant Motion Regardless of Whether a Discovery** 21 **Dispute Exists**

22 A dispute over the discoverability of certain material is not a prerequisite to compelling  
23 production of discovery and exculpatory information. This is because such disputes rarely occur.  
24 With the exception of records that are otherwise privileged (such as CPS or medical records),  
25 prosecutors typically do not inform defense counsel of material they intend to withhold from the  
26 defense. They simply keep the information hidden. The withheld information is later discovered  
27  
28

1 by the defense either through subsequent defense investigation, fortuitous circumstances, or  
2 during the post-conviction discovery process.

3 Recognizing this, the U.S. Supreme Court has not required defense counsel to divine (and  
4 bring to the Court's attention) particular information within the government's file that is being  
5 shielded from defense view:

6 We rejected a similar argument in Strickler. There, the State contended that  
7 examination of a witness's trial testimony, alongside a letter the witness published  
8 in a local newspaper, should have alerted the petitioner to the existence of  
9 undisclosed interviews of the witness by the police. We found this contention  
10 insubstantial. In light of the State's open file policy, we noted, 'it is especially  
11 unlikely that counsel would have suspected that additional impeaching evidence  
12 was being withheld. Our decisions lend no support to the notion that defendants  
13 must scavenge for hints of undisclosed Brady material when the prosecution  
14 represents that all such material has been disclosed. As we observed in Strickler,  
15 defense counsel has no 'procedural obligation to assert constitutional error on the  
16 basis of mere suspicion that some prosecutorial misstep may have occurred.

17 Banks, 540 U.S. at 695-96 (internal citations omitted). Thus, a dispute need not exist over the  
18 discoverability of a particular piece of information in order for this Court to entertain motions  
19 such as that brought here and enforce the government's discovery obligations. Accordingly, Mr.  
20 Donko respectfully requests that this Honorable Court adjudicate his Motion to Compel  
21 Production of Discovery.

#### 22 **VIII. Prosecutors Must Oppose or Concede Each Discovery Request; and the Court Must** 23 **Adjudicate Each Request**

24 Prosecutors often respond to discovery requests some combination of the following: (1) the  
25 government is aware of its discovery obligation and will act accordingly; (2) the government has  
26 complied with the requests or will facilitate review of discovery as needed; or (3) the request is  
27 objectionable as overbroad, immaterial, or not authorized by law. Only the last of these is  
28 responsive to a particular request; the first two are not. Each request needs to be opposed or  
conceded. Saying "we have complied" or "we are aware of our discovery obligations" or "we  
will facilitate a review of detective notebooks" is nothing more than attempt to subvert a ruling  
enforcing the discovery provisions mandated by state and federal law. It is a way to goad the  
court into believing the issue is moot. Discovery is a continuing obligation. A criminal

1 defendant is entitled to an order enforcing the discovery provisions outlined by state and federal  
2 law, regardless of whether the prosecutor has already provided certain requested material, is  
3 aware of pertinent discovery rules, and is willing to facilitate further discovery review. The  
4 prosecutor needs to oppose or concede each request. The Court needs to rule on each request,  
5 accordingly.<sup>11</sup>

## 6 **IX. Defendant's Specific Discovery Requests**

7 Based upon the foregoing, Mr. Donko requests that this Honorable Court enter an order  
8 directing prosecutors to provide the following related to this case:<sup>12</sup>

### 9 **General Discovery**

#### 10 **1. Defendant's Statements and Any Potential Co-Defendants' Statements**

11 All statements made by the defendant and any co-defendants, regardless of whether  
12 the statements were written or recorded, including but not limited to:

- 13 • Comments made at the time of arrest or during transport to the detention center,
- 14 • All conversations, telephonic or otherwise, intercepted by any law enforcement  
15 agencies, including federal authorities, and
- 16 • The substance of any statements, conversations, or correspondence overheard or  
17 intercepted by any jail personnel or other inmates which have not been recorded  
or memorialized.

#### 18 **2. Potential Witnesses' Statements**

19 All written or recorded statements of witnesses and potential witnesses, including, but  
20 not limited to:

- 21 • Audio and video recording in any form collected by investigating officers or any  
22 other law enforcement agent as part of the investigation of this matter, as well as  
any related matters,
- 23 • Notes of interviews, such as notes of patrol officers, or notes of phone calls made  
24 to potential witnesses, or attempts to contact such witnesses, and

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25 <sup>11</sup> Combination responses, which contain conciliatory language in conjunction with some  
26 form of opposition, must be treated as an opposition to a particular request, thereby warranting  
adjudication by this Honorable Court.

27 <sup>12</sup> Significantly, this request is not in any way intended to be a substitute for the  
28 generalized duties described above.

- Interviews of the following individuals: Rodney Dixon, Fernando Espinoza, Fnu Lnu, Gilbert Lnu, Genaro Ramos-Grajeda, Jonathan Sanchez-Loza, Mary Skelton, Deandre Woods, and any other witness or investigative official involved in the instant matter and any related matter.

### **3. Records Related to Investigation**

All records of the Las Vegas Metropolitan Police Department and any other law enforcement agencies involved in the investigation of this or any related matter, including, but not limited to:

- Copies of handwritten or other notes,
- Investigative leads that were not followed up on,
- Any other matter bearing on the credibility of any State witness,
- Information pertaining to this case or any witnesses in this case, no matter what the form or title of the report, including:
  - “Case Monitoring Forms,”
  - Use of Force reports,
  - 911 recordings,
  - Dispatch logs, and
  - Information regarding leads or tips provided to law enforcement or a crime tip organization such as Crime Stoppers, including any reward or benefit received for such tip.

### **4. Crime Scene Analysis, Evidence Collection, and Forensic Testing**

All requests, results, reports, and bench notes pertaining to all crime scene analysis, evidence collection and forensic testing performed in this case,<sup>13</sup> including, but not limited to:

- Photographic, video, and audio recordings of evidence collection and testing,
- Fingerprint Evidence: All latent prints recovered in the instant matter, regardless of their value for identification, as well as exemplars compiled in connection with the investigation of this matter, including:

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<sup>13</sup> This is required under NRS 171.1965(1)(b) and NRS 174.235(1)(b).

- photographs, reports, and recordings related to collecting and testing of fingerprints,
- Results of fingerprint collection and comparison, and
- Automated Fingerprint Identification System (AFIS) searches and results,
- DNA Evidence: DNA testing, raw data and Combined DNA Index System (CODIS) searches and results,
- Scientific Evidence: toxicological, chemical, biochemical, laboratory, and other laboratory or forensic analyses, including trace evidence analyses, crime scene reconstruction or blood spatter analysis, and
- Forensic Analysis: reports and notes related to any forensic analysis and requests for forensic analysis, regardless of the outcome of such request.

## **5. Medical Records**

All records, including photos, reports, imaging studies, test results, and notes pertaining to:

- Any alleged victim generated pursuant to treatment provided in connection with the instant matter; including, without limitation, all emergency medical, fire department, hospital, or other medical care provider records, including all relevant prior medical records,
- All pathological, neuropathological, toxicological, or other medical evaluations of any of the alleged victims, including all relevant prior medical records and
- The name and badge number of any paramedics who responded to the scene, and all documentation, notes, reports, charts, conclusions, or other diagnostic, prognostic, or treatment information pertaining to any person evaluated, assessed, treated, or cleared by a paramedic at the scene, or transported to a hospital from the scene.

## **6. Preservation of and Access to Raw Evidence**

Access to and preservation of all material collected in the investigation of this case to include but not limited to:

- forensic material, raw data, biological samples and toxicological samples; and
- video surveillance, photographic negatives, and digital negatives.

## **7. Electronic Communications and Associated Warrants**

All intercepted communications, whether electronic oral or otherwise, as well as communications sent to and from a handset, telephone, or computer obtained by any law enforcement agency, including federal authorities via subpoena, interception, or



1 other means, pertaining to the instant matter or any related matter, including but not  
2 limited to:

- 3 • Audio, Push to Talk, Data, and Packet Data
- 4 • Electronic messaging such as: Global System for Mobile Communications (GSM), Short Message Service (SMS), Multimedia Messaging Service (MMS),  
5 and Internet Relay Chat,
- 6 • File Transfer Protocol (FTP), Internet Protocol (IP), Voice Over Internet Protocol (VOIP), Transmission Control Protocol (TCP), and  
7
- 8 • Electronic mail or other internet based communications.

### 9 **8. Law Enforcement Video or Audio Recordings**

10 All video and audio recordings obtained by the Las Vegas Metropolitan Police  
11 Department recording device, including but not limited to:

- 12 • Dashboard cameras,
- 13 • Body-mounted officer cameras,
- 14 • Any other recording equipment operational during the investigation of this case,  
15 and
- 16 • Any video footage captured by body cameras worn by any officer present for Las Vegas Metropolitan Police Department Event number LLV191000002219 and  
17 any other related or connected Event Number.

### 18 **9. Non-Activated Body Camera**

19 The name and “P#” of any officer present for Las Vegas Metropolitan Police  
20 Department Event number LLV191000002219 and any related or connected Event  
21 Number who is required by department policy to wear, but did not activate his body-  
22 worn camera.

### 23 **10. Monitoring, Tracking, and Associated Warrants**

24 All data, recordings, reports, and documentation of the following: voice monitoring  
25 devices, geographic tracking devices, pen registers, trap and trace devices installed  
26 pursuant to interception, warrant, or other means, obtained by law enforcement  
27 pertaining to the instant matter or any related matter.

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- Car-to-car audio communications,
- Car-to-dispatch radio communications, and
- Unit Log incident print out related to the event.

All relevant chain of custody reports, including reports showing the destruction of any evidence in the case.<sup>14</sup>

All updated witness contact information, including last known addresses and phone numbers. This includes the names and contact information for witnesses who may have information tending to exculpate Mr. Donko.

All information obtained from confidential informants for any aspect of the investigation of this case. This includes, but is not limited to, informants who purportedly obtained information about this case while incarcerated, whether the information came from Mr. Donko, a co-defendant, unindicted co-conspirator, or another source, regardless of whether prosecutors intend to use the informant-related information at the upcoming trial of this matter.

## 15. Alternative Suspects

All information which shows that Mr. Donko did not commit the crimes alleged, or which shows the possibility of another perpetrator, co-conspirator, aider and abettor, or accessory after the fact, including the names of those individuals. This includes, but is not limited to, any information concerning the arrest of any other individual for

<sup>14</sup> Destruction of evidence can result in dismissal of the case or a jury instruction stating such evidence is presumed favorable to the accused. Crockett v. State, 95 Nev. 859, 865 (1979); Sparks v. State, 104 Nev. 316, 319 (1988); Sanborn v. State, 107 Nev. 399, 409 (1991).

the charged crimes and any information suggesting that someone other than Mr. Donko perpetrated one or more of the charged crimes.

#### **16. Identification and Mis-Identification**

All statements of identification associated with this case, including any information concerning witnesses who did not identify Mr. Donko as the perpetrator of the alleged crimes. This request includes:

- Statements identifying another person as the perpetrator of this offense,
- Prior non-identifications by eyewitnesses now identifying Mr. Donko as the perpetrator, and
- Color copies of all photographic lineups shown to any witness (including lineups created without Mr. Donko) as well as any other identification procedures used to identify suspects including show-ups, lineups, photo-array lineups, single photo show-ups, photo compilations and composite drawings. This request includes:
  - The identification of each witness who was shown an identification procedure,
  - The date and time such procedures occurred,
  - The names of all persons who were present when the procedures took place,
  - Instructions given to the witnesses prior to the procedure,
  - The results of the procedure, including an accounting of each witness's statements before, during and after the identification procedure; the amount of time taken by each witness to make an identification; and any hesitancy or uncertainty of each witness in making an identification, and
  - Whether officers informed any witness that he identified the suspect officers believed committed the crime.

#### **17. General Exculpatory Evidence Request**

All information which shows that Mr. Donko was not the alleged shooter in this case. This includes any evidence, in the form of records, witness interviews, or other information bearing on the charge(s) at issue herein.

#### **General Impeachment**

##### **18. Witness Benefits**

Disclosure of all express or implied compensation, promises of favorable treatment or leniency, or any other benefit that any of the State's witnesses received in exchange

1 for their cooperation with this or any related prosecution. This includes, but is not  
2 limited to:

- 3 • Records and notes from the CCDA Victim Witness Office, including records of  
4 any expectation of any benefit or assistance to be received, or already received by  
5 any witness in this case,
- 6 • Monetary benefits received as well as any express or implied promises made to  
7 any witness to provide counseling, treatment, or immigration assistance as a result  
8 of the witness's participation in this case,
- 9 • Names of all agencies, workers or other referrals that were given to any witness or  
10 his family member, relative, or guardian in connection with this case or any  
11 related matter, and
- 12 • Estimate of future benefits to be received by any witness during or after the trial,  
13 including travel expenses.

#### 14 **19. Prior Witness Statements**

15 Disclosure of any and all statements, tangible or intangible, recorded or unrecorded,  
16 made by any witness that are in any manner inconsistent with the written or recorded  
17 statements previously provided to the defense. This includes oral statements made to  
18 an employee or representative of the CCDA or any other government employee, local  
19 or federal, during pre-trial conferences or other investigative meetings.

#### 20 **20. Law Enforcement Impeachment Information—Henthorn Request**

21 Mr. Donko hereby requests the prosecutor review the personnel files of each officer  
22 involved in this case. After review, the prosecutor must disclose all impeachment  
23 information located in the personnel files of any police witness called to testify at trial  
24 or any pretrial hearing in this matter, including, but not limited to, any Statement of  
25 Complaint regarding the witness or this investigation, any Employee Notice of  
26 Internal Investigation, any Internal Affairs Investigative Report of Complaint, any  
27 witness statement, any Bureau Investigation Supervisory Intervention, and any other  
28 document maintained or generated by the Office of Internal Affairs, Critical Incident  
Review Panel, or other investigative agency.

#### **21. Criminal History Information**

1 Criminal history information on any actual or potential witness, showing specific  
2 instances of misconduct, instances from which untruthfulness may be inferred or  
3 instances which could lead to the discovery of admissible evidence. To this end, the  
4 defense requests that, in addition to any other lay witnesses the State intends to call at  
5 trial or upon whose testimony or statements the State will rely during either the guilt  
6 or penalty phases of trial, the CCDA provide NCIC reports on the following  
7 individuals: Rodney Dixon, Fernando Espinoza, Fnu Lnu, Gilbert Lnu, Genaro  
8 Ramos-Grajeda, Jonathan Sanchez-Loza, Mary Skelton, Deandre Woods. The  
9 defense further requests that the NCIC information be provided to defense counsel as  
10 soon as possible and that prosecutors identify those individuals for whom no NCIC  
11 information is found. While the defense is not insisting that prosecutors run NCICs  
12 on expert or law enforcement witnesses, the defense requests that the State be ordered  
13 to comply with its Brady obligations with respect to these witnesses. The instant  
14 criminal history request includes, but is not limited to:

- 15 • Juvenile records,
- 16 • Misdemeanors,
- 17 • Out-of-state arrests and convictions,
- 18 • Outstanding arrest warrants or bench warrants,
- 19 • Cases which were dismissed or not pursued by the prosecuting agency, and
- 20 • Any other information that would go to the issues of credibility or bias, or lead to  
21 the discovery of information bearing on credibility or bias, regardless of whether  
the information is directly admissible by the rules of evidence.

## 22 **U Visa and Immigration Related Benefits**<sup>15</sup>

### 23 **22. U Visas<sup>16</sup> and Related Information**

24 <sup>15</sup> These requests are made out of an abundance of caution as the defense is unaware of  
25 the victim's and witnesses' alienage and legal statuses in the United States.

26 <sup>16</sup> "The U Visa is an immigration benefit that can be sought by victims of certain crimes  
27 who are currently assisting or have previously assisted law enforcement in the investigation or  
28 prosecution of a crime, or who are likely to be helpful in the investigation or prosecution of  
criminal activity. . . . The U Visa provides eligible victims with nonimmigrant status in order to  
temporarily remain in the United States (U.S.) while assisting law enforcement. If certain

Information indicating whether the alleged victim, an immediate family member, or any other qualifying person<sup>17</sup> has consulted with a CCDA representative or victim advocate, or any other person acting in a representative capacity, regarding obtaining a U Visa as a result of this case.<sup>18</sup>

### **23. U Visa Policies and Procedures**

All policies and procedures established by any relevant law enforcement agency or the prosecutor's office regarding U Visa certification.<sup>19</sup>

### **24. Application for U Visa**

Information indicating whether the alleged victim, immediate family member, or any other qualifying person has applied for a U Visa as a result of this case.

### **25. United States Citizenship and Immigration Service (USCIS) I-918 Forms**

All USCIS Form I-918, Petition for U Nonimmigrant Status (Form I-918) completed as a result of this case, including any supporting documentation filed with Form I-918.<sup>20</sup>

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conditions are met, an individual with U nonimmigrant status may adjust to lawful permanent resident status.” “U Visa Law Enforcement Certification Resource Guide for Federal, State, Local, Tribal and Territorial Law Enforcement,” Dept. of Homeland Sec. (hereinafter “U Visa Guide”), available at: [http://www.dhs.gov/xlibrary/assets/dhs\\_u Visa certification guide.pdf](http://www.dhs.gov/xlibrary/assets/dhs_u Visa certification guide.pdf) at 1. The crime of domestic violence is identified as a qualifying crime for a U Visa petition. Id. at 3.

<sup>17</sup> The U Visa is available to an alleged victim; her unmarried children under the age of twenty-one; her spouse; her parents, if she is under twenty-one; and unmarried siblings under eighteen years old if the alleged victim is under age twenty-one. Id. at 5. Furthermore, when the principal alleged victim is under twenty-one years old, her noncitizen parent can apply for a U Visa as an “indirect victim” regardless of whether the principal alleged victim is a U.S. citizen or noncitizen. Id. at 13.

<sup>18</sup> “Given the complexity of U Visa petitions, petitioners often work with a legal representative or victim advocate,” and, in fact, “is usually done with the assistance of an advocate.” Id. at 2, 5.

<sup>19</sup> “Whether a certifying agency signs a certification . . . [depends on the] policies and procedures it has established regarding U Visa certification.” “U Visa Guide” at 3; 8 (discussing the best practices in U Visa certifications and department policies). “DHS encourages all jurisdictions to implement U Visa certification practices and policies.” Id. at 9.

<sup>20</sup> This is the U Visa form that must be completed by the individual seeking the U Visa. Id. at 2.

## 26. USCIS Form I-918, Supplement B Forms

All USCIS Forms I-918, Supplement B (Form I-918B) completed by a law enforcement agency, the prosecuting attorney or representative, any judge, child or adult protective services, any other authority that has the responsibility for the investigation or prosecution of a qualifying crime or criminal activity, or any other certifying agency as a result of this case,<sup>21</sup> including any additional documents, attachments, or addenda submitted with Form I-918B.<sup>22</sup>

## 27. Request for Form I-918B

Information indicating whether an individual requested a certifying agency fill out Form I-918B on behalf of the alleged victim or other qualifying individual, even if the certifying agency declined to fill out Form I-918B.<sup>23</sup>

## 28. Refusal to Complete Form I-918B

Information indicating whether a certifying agency has refused to sign or complete Form I-918B on behalf of the alleged victim or other qualifying individual, and any information regarding that certifying agency's refusal to sign or fill out Form I-918B.

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<sup>21</sup> Form I-918B is the certification document that a law enforcement or other certifying agency completes for the individual seeking a U Visa. Without the certification, "the victim will not be eligible for a U Visa." "In order to be eligible for a U Visa, the victim *must* submit a law enforcement certification completed by a certifying agency. Certifying agencies include all authorities responsible for the investigation, prosecution, conviction or sentencing of the qualifying criminal activity, including but not limited to" law enforcement agencies, prosecutors' offices, judges, family protective services, Equal Employment Opportunity Commission, Federal and State Departments of Labor and "other investigative agencies." *Id.* at 2-3 (emphasis added), 9. After signing Form I-918B, the certification must be returned to the alleged victim or her representative. *Id.* at 6.

<sup>22</sup> A certifying agency may submit additional documentation, and if so, it must state "see attachment" or "see addendum" on Form I-918B. *Id.* at 6.

<sup>23</sup> There is no statute of limitations on signing the law enforcement certification, and a law enforcement certification "can even be submitted for a victim in a closed case." *Id.* at 4, 10. An alleged victim "may be eligible for a U Visa based on having been helpful *in the past* to investigate or prosecute a crime." *Id.* at 10. Therefore, a certifying agency could wait until after the close of the case to fill out Form I-918B and then argue that there is no discoverable immigration information or immigration benefit received as part of this case. However, if an individual has requested a certifying agency fill out Form I-918B, that individual is therefore attempting to gain an immigration benefit as part of this case, which would be discoverable regardless of whether the certifying agency has or has not completed the certification.

1           **29. Evidence submitted to USCIS**

2           Any evidence submitted to the USCIS as part of a U Visa application by a certifying  
3           agency or the individual applying for the U Visa related to this case. This evidence  
4           includes, but is not limited to, fingerprint and criminal history information,  
5           immigration records, security concerns, and other background information.<sup>24</sup>

6           **30. Contact from USCIS**

7           Information indicating whether the USCIS has contacted the certifying agency  
8           regarding issues or questions based on the information provided in the certification on  
9           behalf of the alleged victim or other qualifying individual, and what issues or  
10          questions the USCIS had for the certifying agency.<sup>25</sup>

11          **31. USCIS Determination**

12          Information indicating the USCIS found the alleged victim or other qualifying person  
13          inadmissible and any information regarding the reason for the inadmissibility  
14          determination.<sup>26</sup>

15          **32. Further Information Disclosed to USCIS**

16          Information indicating whether the certifying agency has contacted the USCIS  
17          regarding any later-discovered information regarding the alleged victim, the crime, or  
18          certification that the agency believes the USCIS should be aware of, or whether the

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19          <sup>24</sup> The USCIS conducts a background check for all U Visa petitioners. This includes a  
20          fingerprint check and name check. This also includes “[a]ny evidence that law enforcement and  
21          immigration authorities possess . . . [which] includes, but is not limited to, the person’s criminal  
22          history, immigration records, and other background information.” *Id.* at 5. “If law enforcement  
23          believes USCIS should know something particular about a victim’s criminal history, that  
24          information can be cited on the certification or with an attached report or statement detailing the  
25          victim’s criminal history with that law enforcement agency or his or her involvement with the  
26          crime.” *Id.* at 14.

27          <sup>25</sup> “USCIS may contact the certifying law enforcement agency if there are any issues or  
28          questions arise during the adjudication based on information provided in the law enforcement  
29          certification.” *Id.* at 5, 9.

30          <sup>26</sup> The USCIS may find the alleged victim or other qualifying person inadmissible when  
31          there are security related concerns, multiple or violent criminal arrests, multiple immigration  
32          violations, or complicity or culpability in the criminal activity in which she claims the  
33          victimization occurred. *Id.* at 8, 14.



1 agency contacted the USCIS to withdraw or disavow the certification, including  
2 withdrawal or disavowal based upon the alleged victim's failure to cooperate.<sup>27</sup> If the  
3 agency has notified the USCIS in writing regarding the withdrawal or disavowal, a  
4 copy of the writing is requested.<sup>28</sup>

### 5 **33. Refusal to Cooperate**

6 Information indicating whether the certifying agency has notified the USCIS that the  
7 alleged victim has unreasonably refused to cooperate in the investigation or  
8 prosecution of the crime.<sup>29</sup>

### 9 **34. USCIS Requests for Further Information**

10 Information indicating whether the USCIS has requested further evidence from the  
11 petitioner or certifying agency as part of the U Visa process, as well as any  
12 information indicating the USCIS suspected fraud in the U Visa application.<sup>30</sup>

### 13 **35. Significant Public Benefit Parole**

14 Information indicating whether any witness in the case has been granted Significant  
15 Public Benefit Parole (SPBP) in connection with this case.<sup>31</sup>

### 16 **36. Violence Against Women Act (VAWA) Relief**

17 Information indicating whether an alleged victim has self-petitioned for VAWA relief  
18 as a part of this case, and if so, a copy of the completed Form I-360 and corroborating  
19 evidence.<sup>32</sup>

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20 <sup>27</sup> Id. at 10.

21 <sup>28</sup> If the alleged victim stops cooperating, the certifying agency can withdraw or disavow  
22 Form I-918B, but must notify the USCIS Vermont Service Center in writing. Id. at 12.

23 <sup>29</sup> Id.

24 <sup>30</sup> "If USCIS suspects fraud in a U Visa petition, USCIS may request further evidence  
25 from the petitioner and may also reach out to the law enforcement agency for further  
26 information." Id. at 15. The USCIS has a dedicated fraud detection unit called the Fraud  
Detection and National Security unit. Id.

27 <sup>31</sup> SPBP allows a witness, defendant, cooperating source, and immediate family members  
28 into the United States for up to one year. Id. at 16.

1           **37. Contacting Other Agencies**

2           Finally, the defendant requests that this Court order the prosecution to contact other  
3           agencies or agents acting on behalf of or working with the prosecution, or in any  
4           other way a part of the prosecution team, and initiated to ascertain whether any of  
5           those agencies or agents possess or know of any material information that would tend  
6           to exculpate Mr. Donko, impeach a prosecution witness, or mitigate Mr. Donko's  
7           possible punishment.

8   **IX.    Request for Timely Disclosure**

9           NRS 174.285(1) requires that any discovery request pursuant to NRS 174.235 be made  
10          “within 30 days after arraignment or at such reasonable later time as the court may permit.”  
11          NRS 174.285(2) mandates that “A party shall comply with a request made pursuant to NRS  
12          174.235 . . . not less than 30 days before trial or at such reasonable later time as the court may  
13          permit.” Accordingly, Mr. Donko requests that this Honorable Court enter an order directing  
14          prosecutors to provide the discovery sought herein within a reasonable time in advance of trial so  
15          as to enable counsel to effectively prepare. Further, Mr. Donko requests that this Honorable  
16          Court order that prosecutors be precluded from admitting at trial any discovery or evidence not  
17          timely produced. See NRS 174.295 (“If at any time during the course of the proceedings it is  
18          brought to the attention of the court that a party has failed to comply with the provisions of NRS  
19          174.235 to 174.295, inclusive, the court may order the party to permit the discovery or inspection  
20          of materials not previously disclosed, grant a continuance, or *prohibit the party from introducing*  
21          *in evidence the material not disclosed*, or it may enter such other order as it deems just under the  
22          circumstances.”) (emphasis added).

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26          <sup>32</sup> The VAWA Visa allows an alleged victim to self-petition for relief without a law  
27          enforcement certification. This relief applies equally to men and women and is available to the  
28          abused spouse or former spouse of a U.S. citizen or lawful permanent resident, the abused child  
        of a U.S. citizen or lawful permanent resident, or the abused parent of a U.S. citizen.

1 **CONCLUSION**

2 Based on the foregoing, Mr. Donko, respectfully requests that this Honorable Court grant  
3 the instant motion, and order the timely disclosure of the material sought herein. NRS 174.235;  
4 Brady v. Maryland, 373 U.S. 83 (1963); U.S.C.A. V, VI, XIV; and Nev. Const. Art. 1 § 8.

5 DATED this 23rd day of January, 2020.

6 PHILIP J. KOHN  
7 CLARK COUNTY PUBLIC DEFENDER

8  
9 By: /s/Robson M. Hauser  
10 ROBSON M. HAUSER, #13692  
11 Deputy Public Defender  
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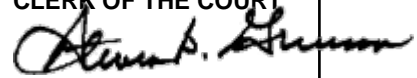
YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the foregoing Motion on for hearing before the Court on the 3rd day of February, 2020 at 9:00 a.m.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By: /s/Robson M. Hauser  
ROBSON M. HAUSER, #13692  
Deputy Public Defender

I hereby certify that service of the above and forgoing MOTION was served via electronic e-filing to the Clark County District Attorney's Office at [motions@clarkcountynyda.com](mailto:motions@clarkcountynyda.com) on this 23rd day of January, 2020.

By: /s/ Brett B. Spratt  
An employee of the  
Clark County Public Defender's Office



NOTC  
DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR NO. 5674  
ROBSON M. HAUSER, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 13692  
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Robson.Hauser@clarkcountynv.gov  
*Attorneys for Defendant*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-19-345584-1
	)	
v.	)	DEPT. NO. XXV
	)	
TED MICHAEL DONKO,	)	
	)	
Defendant,	)	
_____	)	

**DEFENDANT'S NOTICE OF WITNESSES, PURSUANT TO NRS 174.234**

TO: CLARK COUNTY DISTRICT ATTORNEY:

You, and each of you, will please take notice that the Defendant, TED MICHAEL DONKO, intends to call the following witness in his case in chief:

Ana Nellis - PD, Investigator

DATED this 3rd day of February, 2020.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By: /s/Robson M. Hauser  
ROBSON M. HAUSER, #13692  
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing NOTICE was served via electronic e-filing to the Clark County District Attorney's Office at [motions@clarkcountyda.com](mailto:motions@clarkcountyda.com) on this \_\_\_\_ day of February, 2020.

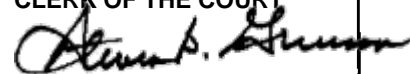
By: /s/Robson M Hauser -PD

An employee of the  
Clark County Public Defender's Office

Case Name: Ted Michael Donko

Case No.: C-19-345584-1

Dept. No.: District Court, Department XXV



1 **ROC**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 NICOLE J. CANNIZZARO  
6 Chief Deputy District Attorney  
7 Nevada Bar #11930  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 TED MICHAEL DONKO,  
13 #2668752  
14 Defendant.

CASE NO: C-19-345584-1

DEPT NO: XXV

15 **RECEIPT OF COPY**

16 RECEIPT OF COPY of the following is hereby acknowledged this 3 day of

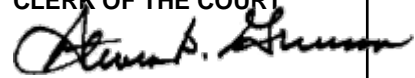
17 Feb, 2019.

18 1. Video Surveillance – 1 CD

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20 ROBSON HAUSER  
21 ATTORNEY FOR DEFENDANT

22 BY   
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**SLOW**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
NICOLE J. CANNIZZARO  
Chief Deputy District Attorney  
Nevada Bar #011930  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

TED MICHAEL DONKO,  
#2668752  
Defendant.

CASE NO: C-19-345584-1

DEPT NO: XXV

**STATE'S SECOND SUPPLEMENTAL NOTICE OF WITNESSES AND/OR  
EXPERT WITNESSES  
[NRS 174.234]**

TO: TED MICHAEL DONKO, Defendant; and  
TO: PUBLIC DEFENDER'S OFFICE, Counsel of Record:  
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses in its case in chief:

<u>NAME</u>	<u>ADDRESS</u>
AGUILOS, J.	LVMPD P#15042
ALATORRE, D.	LVMPD P#17011
ALICASTRO, J.	LVMPD P#17765
ALVARADO, D.	LVMPD P#6065
ARTIS, B.	LVMPD P#13475
BEAL, C.	LVMPD P#14111
BEATTY, J.	LVMPD P#8642



1	BIANCO, N.	LVMPD P#15086
2	BOXLER, B.	LVMPD P#13376
3	BRIDGES, W.	LVMPD P#15219
4	BUENCAMINO, G.	LVMPD P#17862
5	CALLEN, D.	LVMPD P#6717
6	CASPER, J.	LVMPD P#10142
7	CASPER, M.	LVMPD P#6549
8	CENIZA, C.	LVMPD P#17869
9	CLOSE, J.	LVMPD P#14919
10	CORBETT, J.	LVMPD P#6410
11	CORTEZ, J.	LVMPD P#14895
12	CRUZ, R.	LVMPD P#15656
13	CUSTODIAN OF RECORDS	AUTOZONE
14	CUSTODIAN OF RECORDS	CCDC
15	CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
16	CUSTODIAN OF RECORDS	LVMPD RECORDS
17	DIXON, RODNEY	C/O DISTRICT ATTORNEY'S OFFICE
18	DOTY, K.	LVMPD P#13358
19	ESPINOZA, FERNANDO	C/O DISTRICT ATTORNEY'S OFFICE
20	FENRICH, E.	LVMPD P#13145
21	FOX, J.	LVMPD P#17873
22	GADEA, B.	LVMPD P#14894
23	GODFREY, J.	LVMPD P#8555
24	GRAMMAS, K.	LVMPD P#7808
25	HANNING, M.	LVMPD P#13733
26	HAUSMAN, C.	LVMPD P#17927
27	HENNIG, A.	LVMPD P#17592
28	HERVIS, E.	LVMPD P#15819

1	IVIE, T.	LVMPD P#6405
2	JACKSON, B.	LVMPD P#9690
3	JACOBS, J.	LVMPD P#6068
4	JERSEY, C.	LVMPD P#15092
5	JIMENEZ, J.	LVMPD P#12882
6	JUNGE, H.	LVMPD P#17922
7	KEEN, J.	LVMPD P#14455
8	KOMMEL, BERNSTEIN, J.	LVMPD P#9045
9	KRUEGER, M.	LVMPD P#13512
10	LARA-MARQUEZ, A.	LVMPD P#15495
11	LNU, FNU	Owner and/or Occupant of 5675 Big Sea St.
12	LNU, GILBERT	C/O DISTRICT ATTORNEY'S OFFICE
13	LUNA, C.	LVMPD P#8257
14	MAGSAYSAY, M.	LVMPD P#14804
15	MARIN, J.	LVMPD P#15026
16	MILLER, EDGAR	C/O DISTRICT ATTORNEY'S OFFICE
17	MIRAMONTES, M.	LVMPD P#9813
18	MOORE, B.	LVMPD P#14318
19	MOSS, J.	LVMPD P#9212
20	MURPHY, S.	LVMPD P#9857
21	NORIEGA-PEREZ, V.	LVMPD P#16305
22	PATTERSON, M.	LVMPD P#8409
23	PERRY, S.	LVMPD P#6510
24	PORTER, H.	LVMPD P#14086
25	RAFALOVICH, MARCO or Designee	CCDA INVESTIGATOR
26	RAMOS-GRAJEDA, GENARO	C/O DISTRICT ATTORNEY'S OFFICE
27	RANDY, K.	LVMPD P#6214
28	ROCHA, B.	LVMPD P#13510

1           SANCHEZ-LOZA, JONATHAN           C/O DISTRICT ATTORNEY'S OFFICE  
2           SKELTON, MARY                   C/O DISTRICT ATTORNEY'S OFFICE  
3           SOWERS, S.                       LVMPD P#15002  
4           SPURLING, J.                   LVMPD P#13647  
5           STAFFORD, E.                   LVMPD P#13642  
6           STUART, J.                   LVMPD P#6519  
7           TRAIL, A.                   LVMPD P#15093  
8           VALDEZ, C.                   LVMPD P#8456  
9           VAN PAMEL, B.               LVMPD P#13657  
10          WALFORD, B.               LVMPD P#15033  
11          WOODS, DEANDRE           C/O DISTRICT ATTORNEY'S OFFICE

12          YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
13 NEVADA intends to call the following expert witnesses in its case in chief:

14          AOYAMA, KATHRYN – LVMPD P#8025 (or designee): LATENT PRINT  
15 EXAMINER - Expert in the science and techniques of fingerprint comparison, and  
16 comparisons done in this case and any reports prepared therefrom.

17          CHEN-HUNYH, STEPHANIE – LVMPD #16064 (or designee): CRIME SCENE  
18 ANALYST II: Expert in the identification, documentation, collection and preservation of  
19 evidence and is expected to testify as an expert to the identification, documentation, collection  
20 and preservation of the evidence in this case.

21          GAUTHIER, KELLIE – LVMPD P#8691 (or designee): Expert in the field of DNA  
22 extractions, comparisons, analysis, and the identification of bodily fluids and is expected to  
23 testify thereto.

24          GROVER, BRADLEY – LVMPD P#4934 (or designee): CRIME SCENE ANALYST:  
25 Expert in the identification, documentation, collection and preservation of evidence and is  
26 expected to testify as an expert to the identification, documentation, collection and  
27 preservation of the evidence in this case.

28          //

1           MCNICKLE, DR. ALLISON - UNIVERSITY MEDICAL CENTER: Will testify as a  
2 medical expert and to her observations, treatment, diagnosis and prognosis of the injuries  
3 sustained by the victim(s) in this case.

4           MORRISON, MAELEEN – LVMPD #16191 (or designee): CRIME SCENE  
5 ANALYST: Expert in the identification, documentation, collection and preservation of  
6 evidence and is expected to testify as an expert to the identification, documentation, collection  
7 and preservation of the evidence in this case.

8           RUBINO, ALLISON – LVMPD P#14784 (or designee): Expert in the field of DNA  
9 extractions, comparisons, analysis, and the identification of bodily fluids and is expected to  
10 testify thereto.

11           STRUMILLO, JENNIFER – LVMPD #16067 (or designee): CRIME SCENE  
12 ANALYST: Expert in the identification, documentation, collection and preservation of  
13 evidence and is expected to testify as an expert to the identification, documentation, collection  
14 and preservation of the evidence in this case.

15           WRIGHT, AMANDA - LVMPD P#9974 (or designee): FIREARMS/TOOLMARKS  
16 EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is  
17 expected to testify thereto, including, but not limited to, the forensic science underlying  
18 firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology,  
19 microscopic comparison tools, technology, and findings, National Integrated Ballistic  
20 Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms  
21 identification, operation, trigger pull, failure, capacity, and capability, ammunition,  
22 composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern  
23 analysis (cartridge cases), distance determination, suppressors/silencers (commercial and  
24 homemade) examination, serial number restoration, and firearms modification or homemade  
25 firearms examination).

26           The substance of each expert witness' testimony and copy of all reports made by or at  
27 the direction of the expert witness has been provided in discovery.

28           A copy of each expert witness' curriculum vitae, if available, is attached hereto.

1 These witnesses are in addition to those witnesses endorsed on the Information or  
2 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
3 Witnesses has been filed.

4 STEVEN B. WOLFSON  
5 Clark County District Attorney  
6 Nevada Bar #001565

7 BY /s/ NICOLE J. CANNIZZARO  
8 NICOLE J. CANNIZZARO  
9 Chief Deputy District Attorney  
10 Nevada Bar #011930

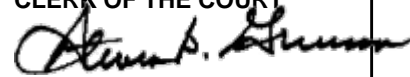
11 CERTIFICATE OF ELECTRONIC MAIL

12 I hereby certify that service of the foregoing, was made this 5th day of February, 2020,  
13 by Electronic Mail to:

14 PUBLIC DEFENDER'S OFFICE  
15 E-mail Address: pdclerk@ClarkCountyNV.gov

16 /s/ Laura Mullinax  
17 Secretary for the District Attorney's Office  
18  
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28 lm/GU



**SLOW**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
NICOLE J. CANNIZZARO  
Chief Deputy District Attorney  
Nevada Bar #011930  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

TED MICHAEL DONKO,  
#2668752  
Defendant.

CASE NO: C-19-345584-1

DEPT NO: XXV

**STATE'S THIRD SUPPLEMENTAL NOTICE OF WITNESSES  
AND/OR EXPERT WITNESSES  
[NRS 174.234]**

TO: TED MICHAEL DONKO, Defendant; and

TO: PUBLIC DEFENDER'S OFFICE, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses in its case in chief:

<u>NAME</u>	<u>ADDRESS</u>
AGUILOS, J.	LVMPD P#15042
ALATORRE, D.	LVMPD P#17011
ALICASTRO, J.	LVMPD P#17765
ALL, CATHRYN M	5675 Big Sea St, LVN 89110-4955
ALL, RANDALL	5675 Big Sea St, LVN 89110-4955
ALVARADO, D.	LVMPD P#6065
ARTIS, B.	LVMPD P#13475

1	BEAL, C.	LVMPD P#14111
2	BEATTY, J.	LVMPD P#8642
3	BIANCO, N.	LVMPD P#15086
4	BOXLER, B.	LVMPD P#13376
5	BRIDGES, W.	LVMPD P#15219
6	BUENCAMINO, G.	LVMPD P#17862
7	CALLEN, D.	LVMPD P#6717
8	CASPER, J.	LVMPD P#10142
9	CASPER, M.	LVMPD P#6549
10	CENIZA, C.	LVMPD P#17869
11	CLOSE, J.	LVMPD P#14919
12	CORBETT, J.	LVMPD P#6410
13	CORTEZ, J.	LVMPD P#14895
14	CRUZ, R.	LVMPD P#15656
15	CUSTODIAN OF RECORDS	AUTOZONE
16	CUSTODIAN OF RECORDS	CCDC
17	CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
18	CUSTODIAN OF RECORDS	LVMPD RECORDS
19	DANNENBERGER, KIMBERLY	LVMPD P#13772
20	DIXON, RODNEY	C/O DISTRICT ATTORNEY'S OFFICE
21	DOTY, K.	LVMPD P#13358
22	ESPINOZA, FERNANDO	C/O DISTRICT ATTORNEY'S OFFICE
23	FENRICH, E.	LVMPD P#13145
24	FOX, J.	LVMPD P#17873
25	GADEA, B.	LVMPD P#14894
26	GODFREY, J.	LVMPD P#8555
27	GRAMMAS, K.	LVMPD P#7808
28	HANNING, M.	LVMPD P#13733

1	HAUSMAN, C.	LVMPD P#17927
2	HENNIG, A.	LVMPD P#17592
3	HERVIS, E.	LVMPD P#15819
4	IVIE, T.	LVMPD P#6405
5	JACKSON, B.	LVMPD P#9690
6	JACOBS, J.	LVMPD P#6068
7	JERSEY, C.	LVMPD P#15092
8	JIMENEZ, J.	LVMPD P#12882
9	JUNGE, H.	LVMPD P#17922
10	KEEN, J.	LVMPD P#14455
11	KOMMEL, BERNSTEIN, J.	LVMPD P#9045
12	KRUEGER, M.	LVMPD P#13512
13	LARA-MARQUEZ, A.	LVMPD P#15495
14	LNU, FNU	Owner and/or Occupant of 5675 Big Sea St.
15	LNU, GILBERT	C/O DISTRICT ATTORNEY'S OFFICE
16	LUNA, C.	LVMPD P#8257
17	MAGSAYSAY, M.	LVMPD P#14804
18	MARIN, J.	LVMPD P#15026
19	MILLER, EDGAR	C/O DISTRICT ATTORNEY'S OFFICE
20	MIRAMONTES, M.	LVMPD P#9813
21	MOORE, B.	LVMPD P#14318
22	MOSS, J.	LVMPD P#9212
23	MURPHY, S.	LVMPD P#9857
24	NORIEGA-PEREZ, V.	LVMPD P#16305
25	PATTERSON, M.	LVMPD P#8409
26	PERRY, S.	LVMPD P#6510
27	PORTER, H.	LVMPD P#14086
28	RAFALOVICH, MARCO or Designee	CCDA INVESTIGATOR



1	RAMOS-GRAJEDA, GENARO	C/O DISTRICT ATTORNEY'S OFFICE
2	RANDY, K.	LVMPD P#6214
3	ROCHA, B.	LVMPD P#13510
4	SANCHEZ-LOZA, JONATHAN	C/O DISTRICT ATTORNEY'S OFFICE
5	SKELTON, MARY	C/O DISTRICT ATTORNEY'S OFFICE
6	SOWERS, S.	LVMPD P#15002
7	SPURLING, J.	LVMPD P#13647
8	STAFFORD, E.	LVMPD P#13642
9	STUART, J.	LVMPD P#6519
10	TRAIL, A.	LVMPD P#15093
11	VALDEZ, C.	LVMPD P#8456
12	VAN PAMEL, B.	LVMPD P#13657
13	WALFORD, B.	LVMPD P#15033
14	WOODS, DEANDRE	C/O DISTRICT ATTORNEY'S OFFICE

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21 ANALYST II: Expert in the identification, documentation, collection and preservation of  
22 evidence and is expected to testify as an expert to the identification, documentation, collection  
23 and preservation of the evidence in this case.

24 GAUTHIER, KELLIE – LVMPD P#8691 (or designee): Expert in the field of DNA  
25 extractions, comparisons, analysis, and the identification of bodily fluids and is expected to  
26 testify thereto.

27 //

28 //

GROVER, BRADLEY – LVMPD P#4934 (or designee): CRIME SCENE ANALYST:  
Expert in the identification, documentation, collection and preservation of evidence and is expected to testify as an expert to the identification, documentation, collection and preservation of the evidence in this case.

MCNICKLE, DR. ALLISON - UNIVERSITY MEDICAL CENTER: Will testify as a medical expert and to her observations, treatment, diagnosis and prognosis of the injuries sustained by the victim(s) in this case.

MORRISON, MAELEEN – LVMPD #16191 (or designee): CRIME SCENE ANALYST: Expert in the identification, documentation, collection and preservation of evidence and is expected to testify as an expert to the identification, documentation, collection and preservation of the evidence in this case.

RUBINO, ALLISON – LVMPD P#14784 (or designee): Expert in the field of DNA extractions, comparisons, analysis, and the identification of bodily fluids and is expected to testify thereto.

STRUMILLO, JENNIFER – LVMPD #16067 (or designee): CRIME SCENE ANALYST: Expert in the identification, documentation, collection and preservation of evidence and is expected to testify as an expert to the identification, documentation, collection and preservation of the evidence in this case.

WRIGHT, AMANDA - LVMPD P#9974 (or designee): FIREARMS/TOOLMARKS EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is expected to testify thereto, including, but not limited to, the forensic science underlying firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology, microscopic comparison tools, technology, and findings, National Integrated Ballistic Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms identification, operation, trigger pull, failure, capacity, and capability, ammunition, composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern analysis (cartridge cases), distance determination, suppressors/silencers (commercial and

1 homemade) examination, serial number restoration, and firearms modification or homemade  
2 firearms examination).

3 The substance of each expert witness' testimony and copy of all reports made by or at  
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5 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

6 These witnesses are in addition to those witnesses endorsed on the Information or  
7 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
8 Witnesses has been filed.

9 STEVEN B. WOLFSON  
10 Clark County District Attorney  
Nevada Bar #001565

11  
12 BY /s/ NICOLE J. CANNIZZARO  
13 NICOLE J. CANNIZZARO  
14 Chief Deputy District Attorney  
Nevada Bar #011930

15  
16 CERTIFICATE OF ELECTRONIC MAIL

17 I hereby certify that service of the foregoing, was made this 5th day of February, 2020,  
18 by Electronic Mail to:

19 PUBLIC DEFENDER'S OFFICE  
20 E-mail Address: pdclerk@ClarkCountyNV.gov

21 /s/ C. Bush  
22 Secretary for the District Attorney's Office

23  
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28 lm/GU

ORIGINAL

0042

DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR NO. 5674  
ROBSON M. HAUSER, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 13692  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
Robson.Hauser@clarkcountynv.gov  
*Attorneys for Defendant*

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

FEB 7 2020

BY *Keith Reed*  
KEITH REED, DEPUTY

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

C-19-345584-1  
MOT  
Motion  
4895151



THE STATE OF NEVADA,

Plaintiff,

v.

TED MICHAEL DONKO,

Defendant,

CASE NO. C-19-345584-1

DEPT. NO. XXV

DATE: February 7, 2020  
TIME: 8:30 a.m.

**MOTION TO WITHDRAW DUE TO CONFLICT**

COMES NOW, the Defendant, TED MICHAEL DONKO, by and through ROBSON M. HAUSER, Deputy Public Defender and respectfully moves this Honorable Court to allow the Public Defender to withdraw and to appoint independent counsel due to a conflict of interest.

This Motion is made and based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 5th day of February, 2020.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By: /s/Robson M. Hauser  
ROBSON M. HAUSER, #13692  
Deputy Public Defender

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ROBSON M. HAUSER, makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and the Defendant has represented the following facts and circumstances of this case.

2. That Mary Skelton, ID #1509461, is a witness noticed by the State in this case.

3. That Ms. Skelton has been previously represented by the Clark County Public Defender's Office in numerous cases, including C-16-318860-1, C-11-273013-1, and 10C266148-1.

4. That effective representation of the Defendant in the instant matter would necessarily prejudice the interests of any persons mentioned in this declaration.

5. Therefore, Defendant asks this Court to allow the Clark County Public Defender's Office to withdraw in this case due to conflict of interest and to appoint independent counsel to represent the Defendant.

6. The Defendant has been notified of the presentation of this motion.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045)

EXECUTED on this 5th day of February, 2020.

/s/Robson M. Hauser  
ROBSON M. HAUSER

NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing MOTION TO WITHDRAW  
DUE TO CONFLICT will be heard on 7th day of February, 2020, at 8:30 a.m., District Court,  
Department X.

DATED this 5th day of February, 2020.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By: /s/Robson M. Hauser  
ROBSON M. HAUSER, #13692  
Deputy Public Defender

CERTIFICATE OF SERVICE

I hereby certify that service of the above and forgoing MOTION was served to the  
Deputy District Attorney in open court on this 7th day of February, 2020.

By: /s/Robson M Hauser -PD  
An employee of the  
Clark County Public Defender's Office

ORIGINAL

AINF  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
NICOLE J. CANNIZZARO  
Chief Deputy District Attorney  
Nevada Bar #011930  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

FEB 10 2020

BY:   
KEITH REED, DEPUTY

C-19-345584-1  
AINF  
Amended Information  
4896122



DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

TED MICHAEL DONKO,  
#2668752  
Defendant.

CASE NO: C-19-345584-1

DEPT NO: XXV

AMENDED  
INFORMATION

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That TED MICHAEL DONKO, the Defendant(s) above named, having committed the crimes of **BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201) and DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442);**, on or about the 1st

//

//

day of October, 2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: JONATHAN SANCHEZ, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said JONATHAN SANCHEZ, resulting in substantial bodily harm to JONATHAN SANCHEZ.

COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: FERNANDO ESPINOZA, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said FERNANDO ESPINOZA, resulting in substantial bodily harm to FERNANDO ESPINOZA.

COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill JONATHAN SANCHEZ, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said JONATHAN SANCHEZ.

COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill FERNANDO ESPINOZA, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said FERNANDO ESPINOZA.

COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill DEANDRE WOODS, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at the said DEANDRE WOODS.

//



1 COUNT 6 - ASSAULT WITH A DEADLY WEAPON

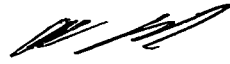
2 did willfully, unlawfully, feloniously and intentionally place another person in  
3 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully  
4 attempt to use physical force against another person, to wit: DEANDRE WOODS, with use of  
5 a deadly weapon, to wit: a firearm, by pointing and/or shooting said firearm at the said  
6 DEANDRE WOODS.

7 COUNT 7 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
8 VEHICLE, AIRCRAFT, OR WATERCRAFT

9 did then and there willfully, unlawfully, maliciously, and feloniously discharge a  
10 firearm at or into a structure, said structure, not having been abandoned, located at 56 Linn  
11 Lane, Las Vegas, Clark County, Nevada.

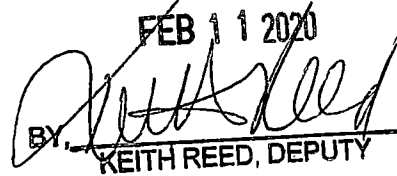
12 STEVEN B. WOLFSON  
13 Clark County District Attorney  
14 Nevada Bar #001565

15 BY

  
16 NICOLE J. CANNIZZARO  
17 Chief Deputy District Attorney  
18 Nevada Bar #011930  
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27 19F24531X/lm/GU/ckb/L4  
28 LVMPD EV#191000002219  
(TK9)

FEB 11 2020

BY:   
KEITH REED, DEPUTY

JURL

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

-vs-

Defendant(s).

TED MICHAEL DONKO

CASE NO. C345584-1

DEPT. NO. VI

JURY LIST

1. PATRICIA HILDRETH

8. ANTONIO MENA-LUVERA

2. DAISY ARIAS

9. ALEJANDRA BERMUDEZ

3. BRIANA BARIN

10. CHRISTINE SWEENEY

4. TIMOTHY USHER

11. CHEVELE WILKS

5. CHERYL KOVACS

12. MENDIS COOPER

6. YANDIA AROCHA RODRIGUEZ

13. SHELLEY BUSH

7. REBECCA RICU

14. TAMARA JACQUEZ

ALTERNATES

Secret from above

C-19-345584-1

JURL

Jury List

4896260



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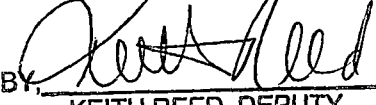
C345584.doc

ORIGINAL

AINF  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
NICOLE J. CANNIZZARO  
Chief Deputy District Attorney  
Nevada Bar #011930  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

FEB 13 2020

BY:   
KEITH REED, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

CASE NO: C-19-345584-1

-vs-

DEPT NO: XXV

TED MICHAEL DONKO,  
#2668752  
Defendant.

SECOND AMENDED  
INFORMATION

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That TED MICHAEL DONKO, the Defendant(s) above named, having committed the crimes of **OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)**, on or about the 1st day of October, 2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, did willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, to wit: an unknown .40 caliber semi-automatic firearm, the Defendant being a convicted felon, having in 2014, been convicted of Attempt Burglary, in Case No. C298636 and/or having in 2012, been convicted of Attempt Grand Larceny, in Case No.

C-19-345584-1  
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Amended Information  
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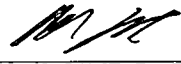


PCX

C274598, in the Eighth Judicial District Court, Clark County, felonies under the laws of the State of Nevada.

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY

  
NICOLE J. CANNIZZARO  
Chief Deputy District Attorney  
Nevada Bar #011930

Names of witnesses known to the District Attorney's Office at the time of filing this Information are as follows:

<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS	CCDC
CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
CUSTODIAN OF RECORDS	LVMPD RECORDS
ESPINOZA, FERNANDO	C/O DISTRICT ATTORNEY'S OFFICE
MARIN, J.	LVMPD P#15026
RAFALOVICH, MARCO or Designee	CCDA INVESTIGATOR
RAMOS-GRAJEDA, GENARO	C/O DISTRICT ATTORNEY'S OFFICE
SANCHEZ-LOZA, JONATHAN	C/O DISTRICT ATTORNEY'S OFFICE
STAFFOD, E.	LVMPD P#13642
WOODS, DEANDRE	C/O DISTRICT ATTORNEY'S OFFICE

19F24531X/lm/GU/ckb/L4  
LVMPD EV#191000002219  
(TK9)

FEB 13 2020

BY,   
KEITH REED, DEPUTY

JURL

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

-vs-

Defendant(s).

TED MICHAEL DONKO

CASE NO. C345584-1

DEPT. NO. VI

AMENDED JURY LIST

- |                            |                        |
|----------------------------|------------------------|
| 1. PATRICIA HILDRETH       | 8. ANTONIO MENA-LUVERA |
| 2. DAISY ARIAS             | 9. ALEJANDRA BERMUDEZ  |
| 3. BRIANA BARIN            | 10. CHRISTINE SWEENEY  |
| 4. TIMOTHY USHER           | 11. CHEVELE WILKS      |
| 5. CHERYL KOVACS           | 12. MENDIS COOPER      |
| 6. YANDIA AROCHA RODRIGUEZ | 13. ALTERNATE #1       |
| 7. REBECCA RICU            | 14. ALTERNATE #2       |

ALTERNATES

1. SHELLEY BUSH
2. TAMARA JACQUEZ

C-19-345584-1  
AJUR  
Amended Jury List  
4896261



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C345584.doc

FEB 13 2020

BY, *Keith Reed* 6:20  
KEITH REED, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

1 INST

5 THE STATE OF NEVADA,

6 Plaintiff,

7 -vs-

8 TED MICHAEL DONKO,

9 Defendant.

CASE NO: C-19-345584-1

DEPT NO: 6

11 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)

12 MEMBERS OF THE JURY:

13 It is now my duty as judge to instruct you in the law that applies to this case. It is  
14 your duty as jurors to follow these instructions and to apply the rules of law to the facts as  
15 you find them from the evidence.

16 You must not be concerned with the wisdom of any rule of law stated in these  
17 instructions. Regardless of any opinion you may have as to what the law ought to be, it  
18 would be a violation of your oath to base a verdict upon any other view of the law than that  
19 given in the instructions of the Court.



INSTRUCTION NO. 1

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

A Second Amended Information is but a formal method of accusing a person of a crime and is not of itself any evidence of his/her guilt.

In this case, it is charged in an that TED MICHAEL DONKO, the Defendant above named, having committed the crimes of **BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201); and DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442)** on or about the 1st day of October, 2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: JONATHAN SANCHEZ, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said JONATHAN SANCHEZ, resulting in substantial bodily harm to JONATHAN SANCHEZ.

COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: FERNANDO ESPINOZA, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said FERNANDO ESPINOZA, resulting in substantial bodily harm to FERNANDO ESPINOZA.

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1 COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
3 JONATHAN SANCHEZ, a human being, with use of a deadly weapon, to wit: a firearm, by  
4 shooting at and into the body of the said JONATHAN SANCHEZ.

5 COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

6 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
7 FERNANDO ESPINOZA, a human being, with use of a deadly weapon, to wit: a firearm,  
8 by shooting at and into the body of the said FERNANDO ESPINOZA.

9 COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

10 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
11 DEANDRE WOODS, a human being, with use of a deadly weapon, to wit: a firearm, by  
12 shooting at the said DEANDRE WOODS.

13 COUNT 6 - ASSAULT WITH A DEADLY WEAPON

14 did willfully, unlawfully, feloniously and intentionally place another person in  
15 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully  
16 attempt to use physical force against another person, to wit: DEANDRE WOODS, with use  
17 of a deadly weapon, to wit: a firearm, by pointing and/or shooting said firearm at the said  
18 DEANDRE WOODS.

19 COUNT 7 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
20 VEHICLE, AIRCRAFT, OR WATERCRAFT

21 did then and there willfully, unlawfully, maliciously, and feloniously discharge a  
22 firearm at or into a structure, said structure, not having been abandoned, located at 56 Linn  
23 Lane, Las Vegas, Clark County, Nevada.

24 It is the duty of the jury to apply the rules of law contained in these instructions to the  
25 facts of the case and determine whether or not the Defendants are guilty of one or more of  
26 the offenses charged.

27 Each charge and the evidence pertaining to it should be considered separately. The  
28 fact that you may find a defendant guilty or not guilty as to one of the offenses charged  
should not control your verdict as to any other Defendant offense charged.

INSTRUCTION NO. 4

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

INSTRUCTION NO. 5

A defendant's state of mind does not require the presentation of direct evidence as it existed during the commission of a crime. The jury may infer the existence of a particular state of mind of a party from the circumstances disclosed by the evidence.

The Defendant is presumed innocent until the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

INSTRUCTION NO. 7

You are here to determine the guilt or innocence of the Defendant from the evidence in the case. You are not called upon to return a verdict as to the guilt or innocence of any other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

INSTRUCTION NO. 9

The credibility or believability of a witness should be determined by his/her manner upon the stand, his/her relationship to the parties, his/her fears, motives, interests or feelings, his/her opportunity to have observed the matter to which he/she testified, the reasonableness of his/her statements and the strength or weakness of his/her recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his/her testimony which is not proved by other evidence.

A witness who has special knowledge, skill, experience, training or education in a particular science, profession or occupation is an expert witness. An expert witness may give his/her opinion as to any matter in which he/she is skilled.

You should consider such expert opinion and weigh the reasons, if any, given for it. You are not bound, however, by such an opinion. Give it the weight to which you deem it entitled, whether that be great or slight, and you may reject it, if, in your judgment, the reasons given for it are unsound.



The elements of an attempt to commit a crime are:

- 1) the intent to commit the crime;
- 2) performance of some act towards its commission; and
- 3) failure to consummate its commission.

Attempt Murder is the performance of an act or acts which tend, but fail, to kill a human being, when such acts are done with express malice, namely, with the deliberate intention unlawfully to kill.

It is not necessary to prove the elements of premeditation and deliberation in order to prove Attempt Murder.

INSTRUCTION NO. 13

The intention to kill may be ascertained or deduced from the facts and circumstances of the killing, such as the use of a weapon calculated to produce death, the manner of its use, and the attendant circumstances characterizing the act.

INSTRUCTION NO. 14

Express malice is that deliberate intention unlawfully to take away the life of a human being, which is manifested by external circumstances capable of proof.

INSTRUCTION NO. 15

You are instructed that if you find a defendant guilty of Attempt Murder, you must also determine whether or not a deadly weapon was used in the commission of this crime.

If a deadly weapon was used in the commission of the crime, the person is guilty of Attempt Murder with Use of a Deadly Weapon.

As used in these instructions, a "deadly weapon" means:

- (1) Any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death, or
- (2) Any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death.

INSTRUCTION NO. 17

The State is not required to have recovered the deadly weapon used in an alleged crime, or to produce the deadly weapon in court at trial, to establish that a deadly weapon was used in the commission of the crime.

INSTRUCTION NO. 18

In order to "use" a deadly weapon, there need not be conduct which actually produces harm but only conduct which produces a fear of harm or force by means or display of the deadly weapon in aiding the commission of the crime.



Battery means any willful and unlawful use of force or violence upon the person of another.

The force used by the defendant need not be violent or severe, and need not cause bodily pain or bodily harm. Any slight touching by the defendant upon the person of another suffices, as long as the touching was intentional and unwanted.

If that force is accomplished with the use of a deadly weapon, the person is guilty of Battery with a Deadly Weapon.

If that force results in substantial bodily harm to the victim, the person is guilty of Battery Resulting in Substantial Bodily Harm.

If that force is accomplished with the use of a deadly weapon and substantial bodily harm results to the victim, the person is guilty of Battery with a Deadly Weapon Resulting in Substantial Bodily Harm.

"Substantial Bodily Harm" means:

1. Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or

2. Prolonged physical pain.

"Prolonged physical pain" necessarily encompasses some physical suffering or injury that lasted longer than the pain immediately resulting from the wrongful act.

A person who unlawfully attempts to use physical force against the person of another or intentionally places another person in reasonable apprehension of immediate bodily harm is guilty of Assault.

To constitute an assault, it is not necessary that any actual injury be inflicted.

A person who commits an assault on another person by or through the use of a deadly weapon is guilty of Assault with a Deadly Weapon.

A person who willfully and maliciously discharges a firearm at or into any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, aircraft, vehicle, vehicle trailer, semitrailer or house trailer, railroad locomotive, car or tender that is occupied is guilty of Discharging a Firearm at or Into Occupied Structure, Vehicle, Aircraft, or Watercraft:

A general intent crime is one where an accused meant to do an act prohibited by law. Whether the defendant(s) intended the act's result is irrelevant.

A specific intent crime typically requires that the defendant(s) intentionally commit an act and intend to cause a particular result when committing that act.

Attempt Murder With Use of a Deadly Weapon, Assault with a Deadly Weapon, Discharging Firearm At or Into Occupied Structure are specific intent crimes.

Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm is a general intent crime.

1           The flight of a person immediately after the commission of a crime, is not sufficient in  
2           itself to establish his or her guilt, but is a fact which, if proved, may be considered by you in  
3           light of all other proved facts in deciding the question of his or her innocence. Whether or  
4           not evidence of flight shows a consciousness of guilt and the significance to be attached to  
5           such a circumstance are matters for your deliberation.  
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Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 26

In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendant.



During the course of this trial, and your deliberations, you are not to:

- (1) communicate with anyone in any way regarding this case or its merits-either by phone, text, Internet, or other means;
- (2) read, watch, or listen to any news or media accounts or commentary about the case;
- (3) do any research, such as consulting dictionaries, using the Internet, or using reference materials;
- (4) make any investigation, test a theory of the case, re-create any aspect of the case, or in any other way investigate or learn about the case on your own.

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When you retire to consider your verdict, you must select one of your member to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

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2 If, during your deliberation, you should desire to be further informed on any point of  
3 law or hear again portions of the testimony, you must reduce your request to writing signed  
4 by the foreperson. The officer will then return you to court where the information sought  
5 will be given you in the presence of, and after notice to, the district attorney and the  
6 Defendant and his/her counsel.

7 Play backs of testimony are time-consuming and are not encouraged unless you deem  
8 it a necessity. Should you require a play back, you must carefully describe the testimony to  
9 be played back so that the court recorder can arrange his/her notes. Remember, the court is  
10 not at liberty to supplement the evidence.

INSTRUCTION NO. 30

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:

  
DISTRICT JUDGE

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

FEB 13 2020

BY: *Keith Reed* 6:48  
KEITH REED, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

1 INST

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5 THE STATE OF NEVADA,

6 Plaintiff,

7 -vs-

8 TED MICHAEL DONKO,

9 Defendant.  
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CASE NO: C-19-345584-1

DEPT NO: VI

11 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. I)

12 MEMBERS OF THE JURY:

13 It is now my duty as judge to instruct you in the law that applies to this case. It is  
14 your duty as jurors to follow these instructions and to apply the rules of law to the facts as  
15 you find them from the evidence.

16 You must not be concerned with the wisdom of any rule of law stated in these  
17 instructions. Regardless of any opinion you may have as to what the law ought to be, it  
18 would be a violation of your oath to base a verdict upon any other view of the law than that  
19 given in the instructions of the Court.  
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INSTRUCTION NO. 2

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

INSTRUCTION NO. 3

A Third Amended Information is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

The Defendant above named, TED MICHAEL DONKO, having committed the crime of **OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)**, on or about the 1st day of October, 2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

did willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, to wit: an unknown .40 caliber semi-automatic firearm, the Defendant being a convicted felon, having in 2014, been convicted of Attempt Burglary, in Case No. C298636 and/or having in 2012, been convicted of Attempt Grand Larceny, in Case No. C274598, in the Eighth Judicial District Court, Clark County, felonies under the laws of the State of Nevada.

It is the duty of the jury to apply the rules of law contained in these instructions to the facts of the case and determine whether or not the Defendants are guilty of one or more of the offenses charged.

Each charge and the evidence pertaining to it should be considered separately. The fact that you may find a defendant guilty or not guilty as to one of the offenses charged should not control your verdict as to any other Defendant offense charged.

INSTRUCTION NO. 4

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.



INSTRUCTION NO. 5

The Defendant is presumed innocent unless the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

INSTRUCTION NO. 6

You are here to determine the guilt or innocence of the Defendant from the evidence in the case. You are not called upon to return a verdict as to the guilt or innocence of any other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

INSTRUCTION NO. 7

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

INSTRUCTION NO. 8

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he or she testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

INSTRUCTION NO. 9

A person who has been convicted of a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, shall not own or have in his possession or under his custody or control any firearm.

A "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

The State is not required to have recovered the firearm or to produce the firearm in court at trial. Neither the concealment of the firearm nor the carrying of the weapon are necessary elements of the offense.

INSTRUCTION NO. 10

The law recognizes two kinds of possession: actual possession and constructive possession.

A person who knowingly has direct physical control over a thing, at a given time, is then in actual possession of it.

A person who, although not in actual possession, knowingly has both the power and the intention, at a given time, to exercise dominion or control over a thing, either directly or through another person or persons, is then in constructive possession of it.

The law recognizes also that possession may be sole or joint. If one person alone has actual or constructive possession of a thing, possession is sole. If two or more persons share actual or constructive possession of a thing, possession is joint.

You may find that the element of possession as that term is used in these instructions is present if you find beyond a reasonable doubt that a defendant had actual or constructive possession, either alone or jointly with others.

INSTRUCTION NO. 11

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 12

It is the constitutional right of a Defendant in a criminal trial that he may not be compelled to testify. Thus, the decision as to whether he should testify is left to the Defendant on the advice and counsel of his attorney. You must not draw any inference of guilt from the fact that he does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.



INSTRUCTION NO. 13

When you retire to consider your verdict, you must select one of your members to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

INSTRUCTION NO. 14

During the course of this trial, and your deliberations, you are not to:

- (1) communicate with anyone in any way regarding this case or its merits-either by phone, text, Internet, or other means;
- (2) read, watch, or listen to any news or media accounts or commentary about the case;
- (3) do any research, such as consulting dictionaries, using the Internet, or using reference materials;
- (4) make any investigation, experimentation at the scene, test a theory of the case, re-create any aspect of the case, or in any other way investigate or learn about the case or anyone involved with the case on your own.

You may, of course, during deliberations, communicate with other members of the jury while you are in the jury deliberation room, after the case has been submitted to you for deliberation.

INSTRUCTION NO. 15

If, during your deliberation, you should desire to be further informed on any point of law or hear again portions of the testimony, you must reduce your request to writing signed by the foreperson. The officer will then return you to court where the information sought will be given you in the presence of, and after notice to, the district attorney and the Defendant and his counsel.

Playbacks of testimony are time-consuming and are not encouraged unless you deem it a necessity. Should you require a playback, you must carefully describe the testimony to be read back so that the court reporter can arrange his/her notes. Remember, the court is not at liberty to supplement the evidence.

INSTRUCTION NO. 16

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:

  
DISTRICT JUDGE

FEB 13 2020

BY: Keith Reed  
KEITH REED, DEPUTY

PINU

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

-vs-

CASE NO. C345584-1

DEPT. NO. 6

Defendant(s).

TED MICHAEL DONKO

**DEFENDANT'S PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL**

Attached hereto are the proposed jury instructions which were offered to the Court, but not submitted to the jury in the above entitled action.

DATED: February 13, 2020 .

Steven D. Grierson, Clerk of the Court

By: Keith Reed

Keith A. Reed, Deputy Clerk

C-19-345584-1  
PINU  
Proposed Jury Instructions Not Used At Trial  
4896268



177

9

Dne Proffered

INSTRUCTION NO. 1

A defendant in a criminal action is presumed to be innocent unless<sup>1</sup> the contrary is proved. This presumption places upon the state the burden of proving beyond a reasonable doubt every material element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

Dne proffered

State obj.

— not given

C 345584

INSTRUCTION NO. 2

Dnse proffered

If the evidence in this case is susceptible to two constructions or interpretations, each of which appears to you to be reasonable, and one of which points to the guilt of the defendant, and the other to his innocence, it is your duty, under the law, to adopt that interpretation which will admit of the defendant's innocence, and reject that which points to his guilt.

- Dnse proffered

- State obj.

- Not given

Dnr Proffered

The reasonable doubt standard requires the jury to reach a subjective state of near certitude on the fact in issue.

- Dnr proffered

- State obj.

- Not given



Dnr Proffered

If the State fails to prove beyond a reasonable doubt that Mr. Donko did willfully, unlawfully, and feloniously use force or violence upon the person of another, with use of a deadly weapon, resulting in substantial bodily harm, you must find him Not Guilty.

- Dnr proffered

- State objected

- Not given

Dnr proffered

C 345584

INSTRUCTION NO. 5

If the State fails to prove beyond a reasonable doubt that Mr. Donko did willfully, unlawfully, feloniously and with malice aforethought attempt to kill a human being with use of a deadly weapon, you must find him Not Guilty.

- Dnr proffered
- State objected
- Not given

Duke Proffered

C345584

INSTRUCTION NO. 6

If the State fails to prove beyond a reasonable doubt that Mr. Donko did willfully, unlawfully, feloniously, and intentionally place another person in reasonable apprehension of immediate bodily harm, you must find him Not Guilty.

- Duke proffered

- State obj.

- Not given

Dnr proffered

C 345584

INSTRUCTION NO. 7

If the State fails to prove beyond a reasonable doubt that Mr. Donko did then and there willfully, unlawfully, maliciously, and feloniously discharge a firearm at or into a structure, said structure, not having been abandoned, you must find him Not Guilty.

- Dnr proffered
- State obj.
- Not given

Dnfe Proffered

If the State fails to prove beyond a reasonable doubt that Mr. Donko did willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, you must find him Not Guilty.

- Dnfe proffered

- State obj.

- Not given

**VER**

~~FEB~~ 13 2020

BY, Keith Reed  
KEITH REED, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO: C-19-345584-1

-VS-

DEPT NO: VI

TED MICHAEL DONKO,

Defendant.

## VERDICT

We, the jury in the above entitled case, find the Defendant as follows:

**COUNT 1 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON**

*(Please check the appropriate box, select only one)*

☒ Guilty of Ownership or Possession of Firearm by Prohibited Person

☐ Not Guilty

DATED this 13 day of February, 2020

FOREPERSON

C-19-345584-1  
VER  
Verdict  
4896773



FILED IN OPEN COURT

STEVEN D. GRIERSON

CLERK OF THE COURT

FEB 13 2020

BY: *Keith Reed* 6:20 PM  
KEITH REED, DEPUTY

1 VER

2  
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4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

CASE NO: C-19-345584-1

9 -vs-

DEPT NO: 6

10 TED MICHAEL DONKO,

11 Defendant.

12  
13 VERDICT

14 We, the jury in the above entitled case, find the Defendant TED DONKO, as follows:

15 **COUNT 1** – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
16 SUBSTANTIAL BODILY HARM (Jonathan Sanchez)

17 *(Please check the appropriate box, select only one)*

- 18 ☒ Guilty of Battery with Use of a Deadly Weapon Resulting in Substantial  
19 Bodily Harm  
20 ☐ Guilty of Battery with Use of a Deadly Weapon  
21 ☐ Guilty of Battery Resulting in Substantial Bodily Harm  
22 ☐ Guilty of Battery  
23 ☐ Not Guilty

24 C-19-345584-1

25 VER

Verdict

4896777



**COUNT 2** – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
SUBSTANTIAL BODILY HARM (Fernando Espinoza)

*(Please check the appropriate box, select only one)*

- ☒ Guilty of Battery with Use of a Deadly Weapon Resulting in Substantial  
Bodily Harm
- ☐ Guilty of Battery with Use of a Deadly Weapon
- ☐ Guilty of Battery Resulting in Substantial Bodily Harm
- ☐ Guilty of Battery
- ☐ Not Guilty

**COUNT 3** – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Jonathan  
Sanchez)

*(Please check the appropriate box, select only one)*

- ☒ Guilty of Attempt Murder with Use of a Deadly Weapon
- ☐ Guilty of Attempt Murder
- ☐ Not Guilty

**COUNT 4** – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Fernando  
Espinoza)

*(Please check the appropriate box, select only one)*

- ☒ Guilty of Attempt Murder with Use of a Deadly Weapon
- ☐ Guilty of Attempt Murder
- ☐ Not Guilty

**COUNT 5** – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Deandre  
Woods)

*(Please check the appropriate box, select only one)*

- ☒ Guilty of Attempt Murder with Use of a Deadly Weapon
- ☐ Guilty of Attempt Murder
- ☐ Not Guilty



1 **COUNT 6** – ASSAULT WITH A DEADLY WEAPON (Deandre Woods)

2 *(Please check the appropriate box, select only one)*

- 3 ☒ Guilty of Assault with a Deadly Weapon  
4 ☐ Guilty of Assault  
5 ☐ Not Guilty  
6

7 **COUNT 7** – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
8 VEHICLE, AIRCRAFT, OR WATERCRAFT

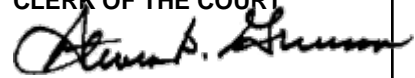
9 *(Please check the appropriate box, select only one)*

- 10 ☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle,  
11 Aircraft, or Watercraft  
12 ☐ Not Guilty

13 DATED this 13 day of February, 2020

14 

15 FOREPERSON  
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1 **NOAS**

2 DARIN F. IMLAY, PUBLIC DEFENDER  
3 NEVADA BAR No. 5674  
4 309 South Third Street, Suite 226  
5 Las Vegas, Nevada 89155  
6 (702) 455-4685  
7 Attorney for Defendant

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA, )  
11 )  
12 Plaintiff, ) CASE NO. C-19-345584-1  
13 v. ) DEPT. NO. VI  
14 TED MICHAEL DONKO, )  
15 )  
16 Defendant. )

17 **NOTICE OF APPEAL**

18 TO: THE STATE OF NEVADA

19 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,  
20 NEVADA and DEPARTMENT NO. VI OF THE EIGHTH JUDICIAL  
21 DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE  
22 COUNTY OF CLARK.

23 NOTICE is hereby given that Defendant, Ted Michael  
24 Donko, presently incarcerated in the Nevada State Prison, appeals  
25 to the Supreme Court of the State of Nevada from the judgment  
26 entered against said Defendant on the 20 day of April, 2020,  
27 whereby he was convicted of Counts 1 & 2, Battery With Use of a  
28 Deadly Weapon Resulting in Substantial Bodily Harm, Cts. 3, 4, & 5  
- Attempt Murder With use of a Deadly Weapon, Ct. 6 - Assault with  
a Deadly Weapon, Ct. 7 - Discharging a Firearm at or into Occupied  
Structure Vehicle Aircraft or Watercraft and Ct. 8 - Ownership or  
Possession of a Firearm by Prohibited Person and sentenced to \$25  
Admin. Fee; \$150 DNA analysis fee waived, \$3 DNA collection fee;  
\$250 Indigent Defense Civil Assessment fee; as to Ct. 1 - 24-60

1 months in prison; Ct. 2 - 24-60 months in prison concurrent with  
2 Ct. 1; Ct. 3 - 36-96 months in prison plus a consecutive term of  
3 12-30 months in prison consecutive to Cts. 1 & 2, Ct. 4 - 36-96  
4 months in prison plus a consecutive term of 12-30 months  
5 consecutive to Ct. 3; Ct. 5 - 36-96 months in prison plus a  
6 consecutive term of 12-30 months in prison consecutive to Ct. 4,  
7 Ct. 6 - 12-30 months in prison concurrent with Ct. 5; Ct. 7 - 12-  
8 30 months in prison concurrent with Ct. 6; Ct. 8 - 12-30 months in  
9 prison concurrent with Ct. 7; 150 days CTS; jurisdiction retained  
10 as to restitution, aggregate including the deadly weapon  
11 enhancement is 144 months with a maximum of 378 months. Aggregate  
12 not including the deadly weapon enhancement of 108 months to 288  
13 months. Following proceedings, court ordered sentenced Amended as  
14 to Aggregate sentence.

15 DATED this 21 day of April, 2020.

16 DARIN F. IMLAY  
17 CLARK COUNTY PUBLIC DEFENDER

18  
19 By: /s/ Howard S. Brooks  
20 HOWARD S. BROOKS, #3374  
21 Deputy Public Defender  
22 309 S. Third Street, Ste. 226  
23 Las Vegas, Nevada 89155  
24 (702) 455-4685  
25  
26  
27  
28



**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that service of the above and foregoing  
was made this 21 day of April, 2020, by Electronic Filing to:

District Attorneys Office  
E-Mail Address:

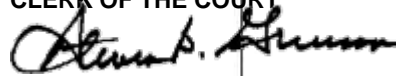
[PDMotions@clarkcountydacountyda.com](mailto:PDMotions@clarkcountydacountyda.com)

[Jennifer.Garcia@clarkcountydacountyda.com](mailto:Jennifer.Garcia@clarkcountydacountyda.com)

[Eileen.Davis@clarkcountydacountyda.com](mailto:Eileen.Davis@clarkcountydacountyda.com)

/s/ Carrie M. Connolly

Secretary for the  
Public Defender's Office



JOC

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TED MICHAEL DONKO  
#2668752

Defendant.

CASE NO. C-19-345584-1

DEPT. NO. VI

JUDGMENT OF CONVICTION  
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1 & 2 – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony) in violation of NRS 200.481; COUNTS 3, 4, & 5 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 6 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; COUNT 7 – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony) in violation of NRS 202.285; and Bifurcated COUNT 1, originally COUNT 8 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony) in violation of NRS 202.360; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNTS 1 & 2 – BATTERY WITH USE

1 OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B  
2 Felony) in violation of NRS 200.481; COUNTS 3, 4, & 5 – ATTEMPT MURDER WITH USE  
3 OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330,  
4 193.165; COUNT 6 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation  
5 of NRS 200.471; COUNT 7 – DISCHARGING FIREARM AT OR INTO OCCUPIED  
6 STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony) in violation of  
7 NRS 202.285; and Bifurcated COUNT 1, originally COUNT 8 – OWNERSHIP OR  
8 POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony) in violation of  
9 NRS 202.360; thereafter, on the 20<sup>th</sup> day of April, 2020, the Defendant was present in court for  
10 sentencing with counsel ROBSON HAUSER, Deputy Public Defender, and good cause  
11 appearing,  
12

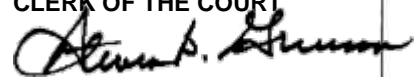
13 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to  
14 the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil Assessment Fee,  
15 \$3.00 DNA Collection Fee, and Jurisdiction retained as to any Restitution, the Defendant is  
16 sentenced to the Nevada Department of Corrections (NDC) as follows: **COUNT 1** - a  
17 MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24)  
18 MONTHS; **COUNT 2** - a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole  
19 eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNT 1; **COUNT 3** - a  
20 MAXIMUM of NINETY-SIX (96) MONTHS with a MINIMUM parole eligibility of THIRTY-SIX  
21 (36) MONTHS, plus a CONSECUTIVE term of THIRTY (30) MONTHS with a MINIMUM  
22 parole eligibility of TWELVE (12) MONTHS for the Use of a Deadly Weapon, CONSECUTIVE  
23 to COUNTS 1 & 2; **COUNT 4** - a MAXIMUM of NINETY-SIX (96) MONTHS with a MINIMUM  
24 parole eligibility of THIRTY-SIX (36) MONTHS, plus a CONSECUTIVE term of THIRTY (30)  
25 MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS for the Use of a  
26 Deadly Weapon, CONSECUTIVE to COUNT 3; **COUNT 5** - a MAXIMUM of NINETY-SIX (96)  
27  
28

1 MONTHS with a MINIMUM parole eligibility of THIRTY-SIX (36) MONTHS, plus a  
2 CONSECUTIVE term of THIRTY (30) MONTHS with a MINIMUM parole eligibility of TWELVE  
3 (12) MONTHS for the Use of a Deadly Weapon, CONSECUTIVE to COUNT 4; **COUNT 6** - a  
4 MAXIMUM of THIRTY (30) MONTHS with a MINIMUM parole eligibility of TWELVE (12)  
5 MONTHS, CONCURRENT with COUNT 5; **COUNT 7** - a MAXIMUM of THIRTY (30)  
6 MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS, CONCURRENT with  
7 COUNT 6; and **Bifurcated COUNT 1, originally COUNT 8** - a MAXIMUM of THIRTY (30)  
8 MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS, CONCURRENT with  
9 COUNT 7; with ONE HUNDRED FIFTY (150) DAYS credit for time served. As the \$150.00  
10 DNA Analysis Fee and Genetic Testing have been previously imposed, the Fee and Testing in  
11 the current case are WAIVED. The AGGREGATE TOTAL sentence INCLUDING the Deadly  
12 Weapon Enhancement is THREE HUNDRED SEVENTY-EIGHT (378) MONTHS MAXIMUM  
13 with a MINIMUM of ONE HUNDRED FORTY-FOUR (144) MONTHS. The AGGREGATE  
14 TOTAL sentence NOT INCLUDING the Deadly Weapon Enhancement is TWO HUNDRED  
15 EIGHTY-EIGHT (288) MONTHS MAXIMUM with a MINIMUM of ONE HUNDRED EIGHT  
16 (108) MONTHS.

17  
18  
19 DATED this 22<sup>nd</sup> day of April, 2020.

20  
21  
22   
23 JACQUELINE M. BLUTH  
24 DISTRICT COURT JUDGE  
25  
26  
27  
28





**MOT**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
NICOLE J. CANNIZZARO  
Chief Deputy District Attorney  
Nevada Bar #11930  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,

-vs-

TED MICHAEL DONKO,  
#2668752

Defendant.

CASE NO: C-19-345584-1

DEPT NO: VI

**STATE'S NOTICE OF MOTION  
AND MOTION TO ADDRESS AGGREGATE SENTENCE CALCULATIONS**

DATE OF HEARING:  
TIME OF HEARING:  
**HEARING REQUESTED**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through NICOLE J. CANNIZZARO, Chief Deputy District Attorney, and files this Notice Of Motion And Motion To Address Aggregate Sentence Calculations.

This Motion is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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DATED this 3rd day of June, 2020.

BY /s/ NICOLE J. CANNIZZARO  
NICOLE J. CANNIZZARO  
Chief Deputy District Attorney  
Nevada Bar #11930

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1 total aggregate sentence and a request to file an Amended Judgment of Conviction reflecting  
2 the correct aggregate sentence.

3 DATED this 3rd day of June, 2020.

4 STEVEN B. WOLFSON  
5 Clark County District Attorney  
6 Nevada Bar #001565

7 BY /s/ NICOLE J. CANNIZZARO  
8 NICOLE J. CANNIZZARO  
9 Chief Deputy District Attorney  
10 Nevada Bar #11930

11 CERTIFICATE OF ELECTRONIC MAIL

12 I hereby certify that service of the foregoing, was made this 3rd day of June, 2020, by  
13 Electronic Mail to:

14 PUBLIC DEFENDER'S OFFICE  
15 E-mail Address: pdclerk@ClarkCountyNV.gov

16 /s/ Laura Mullinax  
17 Secretary for the District Attorney's Office  
18  
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28 NJC/lm/GU

# EXHIBIT 1

Northern Administration  
5500 Snyder Ave.  
Carson City, NV 89701  
(775) 887-3285

Southern Administration  
3955 W. Russell Rd.  
Las Vegas, NV 89118  
(702) 486-9938



**State of Nevada  
Department of Corrections**

Steve Sisolak  
*Governor*

Charles Daniels  
*Director*

Shannon Moyle  
*Offender Management  
Administrator*

**May 20, 2020**

Clark County District Attorney's Office  
200 Lewis Avenue  
Las Vegas, Nevada 89101

Re: NDOC #1080899 DONKO, Ted  
Criminal Case # C-19-345584-1  
Department: VI

Dear Sir/Madam:

The Nevada Department of Corrections has received a conflicting Judgment of Conviction in the above referenced case. We are unable to determine the proper sentence structure without additional or corrected information. Please review the information and advise us that the judgment will not be changed or forward a certified copy of the corrected judgment to:

**Description of Discrepancy: The Judgment of Conviction reflects a possible error with the aggregated sentence totals. The JOC reflects the aggregate term of a minimum 144 months and a maximum of 378 months. The NDOC calculations reflects a minimum aggregate term of 168 months and a maximum aggregate term of 438 months. Please advise? Thank you for your assistance in this matter.**

Nevada Department of Corrections  
Offender Management  
P.O. Box 7011  
Carson City, Nevada 89701  
Attn: Michael G. Johnson

Thank you for your prompt attention in this matter.

Sincerely,

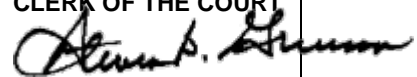
Michael G. Johnson / Administrative Assistant IV

(775) 977-5621

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
6/3/2020 11:07 AM  
Steven D. Grierson  
CLERK OF THE COURT



State of Nevada  
vs  
Ted Donko

Case No.: C-19-345584-1  
Department 6

**NOTICE OF HEARING**

Please be advised that the State's Notice of Motion and Motion to Address Aggregate Sentence Calculations in the above-entitled matter is set for hearing as follows:

**Date:** June 15, 2020  
**Time:** 10:15 AM  
**Location:** RJC Courtroom 10C  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Kadir Beckom  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Kadir Beckom  
Deputy Clerk of the Court



1  
2  
3 **IN THE SUPREME COURT OF THE STATE OF NEVADA**  
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5  
6 THE STATE OF NEVADA,  
7 Plaintiff,  
8 vs.  
9 TED MICHAEL DONKO,  
10 Defendant.  
11

SUPREME COURT NO. 81075  
CASE NO. C-19-345584-1  
DEPT. NO. VI

12 ***AMENDED CERTIFICATE OF SERVICE***

13 I, De'Awna Takas, certify that I am the Court Recorder in Department VI  
14 District Court, Clark County, Nevada; and the transcripts of the proceedings heard  
15 on February 10, 2020, February 11, 2020, February 12, 2020, February 13, 2020,  
16 April 1, 2020 and April 20, 2020 by the Honorable Judge Jacqueline M. Bluth were  
17 e-filed with the Clerk of Court, Clark County, Nevada, in Case Number C-19-  
18 345584-1 on June 8, 2020, and courtesy copies were provided to Darin F. Imlay, the  
19 requesting party, and Jennifer Garcia and Eileen Davis.

20 Dated this 23<sup>rd</sup> day of June, 2020.

21  
22 

23 De'Awna Takas  
24 Court Recorder/Transcriber  
25 Eighth Judicial District Court, Dept. VI  
Regional Justice Center  
Las Vegas, Nevada 89155



Felony/Gross Misdemeanor

COURT MINUTES

December 20, 2019

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C-19-345584-1      State of Nevada  
                                 vs  
                                 Ted Donko

---

December 20, 2019      10:00 AM      Initial Arraignment

HEARD BY:      Wittenberger, Shannon      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Brown, Kristen

RECORDER:      Nichols, Sharon

REPORTER:

PARTIES PRESENT:

Daren B. Richards      Attorney for Defendant

Ekaterina Derjavina      Attorney for Plaintiff

Public Defender      Attorney for Defendant

State of Nevada      Plaintiff

Ted Michael Donko      Defendant

#### JOURNAL ENTRIES

DEFT. DONKO ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE.  
COURT ORDERED, matter set for trial. COURT ORDERED, pursuant to Statute, Counsel  
has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not  
been filed as of today, Counsel has 21 days from the filing of the Transcript.

CUSTODY

2/03/20 9:30 AM CALENDAR CALL (DEPT. 25)

2/10/20 10:30 AM JURY TRIAL (DEPT. 25)

Felony/Gross Misdemeanor

COURT MINUTES

February 03, 2020

C-19-345584-1      State of Nevada  
                                 vs  
                                 Ted Donko

February 03, 2020      09:00 AM      All Pending Motions

HEARD BY:      Delaney, Kathleen E.      COURTROOM: RJC Courtroom 15B

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER:      Cangemi, Robert

**PARTIES PRESENT:**

Kambiz Shaygan-Fatemi	Attorney for Defendant
Nicole J. Cannizzaro	Attorney for Plaintiff
Robson M. Hauser	Attorney for Defendant
State of Nevada	Plaintiff
Ted Michael Donko	Defendant

**JOURNAL ENTRIES**

DEFT'S. MOTION TO COMPEL PRODUCTION OF DISCOVERY AND BRADY MATERIAL...CALENDAR CALL

**CALENDAR CALL**

Upon Court's inquiry, Mr. Shaygan-Fatemi noted he is trying the case with Mr. Hauser. Counsel jointly ANNOUNCED ready for trial. State made a record of their offer to Deft., noting the offer was rejected and is now revoked. Mr. Hauser concurred. COURT NOTED It is currently in a Med-Mal trial that is behind schedule. State estimated up to 12 witnesses and 5 days for trial. COURT ADVISED, matter REFERRED to Overflow; Trial date VACATED, to be RESET by the Overflow Judge. If something changes in the Court's current Med-Mal trial Court will notify counsel.

DEFT'S. MOTION TO COMPEL PRODUCTION OF DISCOVERY AND BRADY MATERIAL COURT NOTED, State did not file an Opposition. Mr. Hauser stated when the Motion was drafted he had concerns; there is nothing outstanding at this time. Ms. Cannizzaro noted she did not receive a copy of the Motion State has turned over all discovery in its possession and possession of the Las Vegas Metropolitan Police has been turned. COURT ORDERED, Motion GRANTED in PART / DENIED in PART. Motion GRANTED as to Requests 1 through 37 with the understanding the State has provided the information It has and there is nothing outstanding to be compelled. With the caveat as to Requests 1, 2 and 3, any notes or work product disclosures, Motion DENIED in PART. State is to comply with NRS 174.235(a). Additionally, as to Request 20, Motion GRANTED IN PART. GRANTED as to the State's inquiry having something to do with truthfulness, DENIED as to independent review of all personnel files. If there is something in the personnel file or something that Deft. is actually aware of or that should be investigated, or looked into, Court would do an incamera view as to that purpose. Mr. Hauser is to prepare the Order.

**CUSTODY**

02/07/20 8:30 A.M. OVERFLOW (DC 10)

Felony/Gross Misdemeanor

COURT MINUTES

February 07, 2020

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C-19-345584-1      State of Nevada  
                                 vs  
                                 Ted Donko

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February 07, 2020      08:30 AM      10/12 State witnesses, 4/5 days for trial. State Nicole Cannizzaro, Deft PD's. Robson Hauser / Kambiz Shaygan-Fatemi. State's offer rejected / revoked.

HEARD BY:      Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Reed, Keith

RECORDER:      Santi, Kristine

REPORTER:

PARTIES PRESENT:

Chad N. Lexis

Attorney for Plaintiff

Robson M. Hauser

Attorney for Defendant

State of Nevada

Plaintiff

Ted Michael Donko

Defendant

**JOURNAL ENTRIES**

COURT ORDERED, case SET for Jury Trial February 10, 2020, 1:30 PM in Department 6. Motion To Withdraw Due To Conflict FILED IN OPEN COURT. Court stated findings and ORDERED, Motion To Withdraw Due To Conflict DENIED.

CUSTODY

2-10-20 1:30 PM JURY TRIAL

Felony/Gross Misdemeanor

COURT MINUTES

February 10, 2020

C-19-345584-1      State of Nevada  
                                  vs  
                                  Ted Donko

February 10, 2020      01:30 PM      Jury Trial

HEARD BY:      Bluth, Jacqueline M.      COURTROOM: RJC Courtroom 10C

COURT CLERK: Reed, Keith

RECORDER:      Takas, De'Awna

REPORTER:

**PARTIES PRESENT:**

Chad N. Lexis	Attorney for Plaintiff
Kambiz Shaygan-Fatemi	Attorney for Defendant
Laura Goodman	Attorney for Plaintiff
Robson M. Hauser	Attorney for Defendant
State of Nevada	Plaintiff
Ted Michael Donko	Defendant

**JOURNAL ENTRIES**

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Amended Information FILED IN OPEN COURT. PROSPECTIVE JURORS PRESENT. Voir Dire. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Colloquy between Court and counsel regarding the ability of Prospective Juror #760 to serve on the panel. COURT ORDERED, Prospective Juror 760 EXCUSED. Ms. Goodman moved for the excusal of Prospective Juror 714. Argument in opposition by Mr. Shaygan-Fatemi. Court stated both sides will be able to speak with the Prospective Juror. Mr. Shagan-Fatemi requested Prospective Juror 772 be excused. Mr. Lexis advised he was going to ask some questions. Court stated counsel will be allowed to question the Prospective Juror. PROSPECTIVE JURORS PRESENT: Voir Dire. COURT ORDERED, matter CONTINUED; Prospective Jurors admonished and released. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Colloquy regarding scheduling.

Felony/Gross Misdemeanor

COURT MINUTES

February 11, 2020

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C-19-345584-1      State of Nevada  
                                 vs  
                                 Ted Donko

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February 11, 2020      11:00 AM      Jury Trial

HEARD BY:      Bluth, Jacqueline M.      COURTROOM: RJC Courtroom 10C

COURT CLERK: Reed, Keith

RECORDER:      Takas, De'Awna

REPORTER:

PARTIES PRESENT:

Chad N. Lexis	Attorney for Plaintiff
Kambiz Shaygan-Fatemi	Attorney for Defendant
Laura Goodman	Attorney for Plaintiff
Robson M. Hauser	Attorney for Defendant
State of Nevada	Plaintiff
Ted Michael Donko	Defendant

**JOURNAL ENTRIES**

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Mr. Hauser advised the Court in regards to an inadvertent contact he had with Prospective Juror #7 yesterday; the Prospective Juror asked where the stairs were. Court thanked counsel for the disclosure. PROSPECTIVE JURORS PRESENT: Voir dire. Peremptory Challenges EXERCISED. CONFERENCE AT BENCH. Voir dire. Peremptory Challenges EXERCISED. Jury IMPANELED. Amended Information read by the Clerk and Defendant's plea thereto announced. OUTSIDE THE PRESENCE OF THE JURY. Pursuant to stipulation, Mr Lexis advised the stolen vehicle will be referred to as the unregistered vehicle and unregistered license plate. JURY PRESENT: Opening statements on behalf of the State by Ms. Goodman, and on behalf of the Defendant by Mr. Shaygan-Fatemi. Testimony and exhibits presented. (See Worksheet). COURT ORDERED, proceedings CONTINUED; Jurors admonished and released. OUTSIDE THE PRESENCE OF THE JURY: At the requests of Ms. Goodman, COURT ORDERED, State's exhibits 168 & 179 WITHDRAWN.

Felony/Gross Misdemeanor

COURT MINUTES

February 12, 2020

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C-19-345584-1      State of Nevada  
                                 vs  
                                 Ted Donko

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February 12, 2020      01:00 PM      Jury Trial

HEARD BY:      Bluth, Jacqueline M.      COURTROOM: RJC Courtroom 10C

COURT CLERK: Reed, Keith

RECORDER:      Takas, De'Awna

REPORTER:

PARTIES PRESENT:

Chad N. Lexis	Attorney for Plaintiff
Kambiz Shaygan-Fatemi	Attorney for Defendant
Laura Goodman	Attorney for Plaintiff
Robson M. Hauser	Attorney for Defendant
State of Nevada	Plaintiff
Ted Michael Donko	Defendant

**JOURNAL ENTRIES**

JURY PRESENT: Testimony and exhibits presented. (See worksheet). OUTSIDE THE PRESENCE OF THE JURY: Mr. Hauser stated the Defendant would like to address the Court in regards to self representation. Defendant stated he does not want to fire counsel and would like them to fight for him. Colloquy between Court and Defendant regarding his dissatisfaction with the performance of counsel and potential self representation. Upon inquiry of the Court, Defendant stated he will wait to make a decision as to self representation. JURY PRESENT: Testimony and exhibits presented. (See worksheet). COURT ORDERED, matter CONTINUED; Jurors admonished and released. OUTSIDE THE PRESENCE OF THE JURY: Record made by Mr. Shaygan-Fatemi, Mr. Lexis and the Court in regards to State's recall of witness Ramos.

Felony/Gross Misdemeanor

COURT MINUTES

February 13, 2020

C-19-345584-1      State of Nevada  
                                  vs  
                                  Ted Donko

February 13, 2020      12:30 PM      Jury Trial

HEARD BY:      Bluth, Jacqueline M.      COURTROOM: RJC Courtroom 10C

COURT CLERK: Reed, Keith

RECORDER:      Takas, De'Awna

REPORTER:

PARTIES PRESENT:

Chad N. Lexis	Attorney for Plaintiff
Kambiz Shaygan-Fatemi	Attorney for Defendant
Laura Goodman	Attorney for Plaintiff
Robson M. Hauser	Attorney for Defendant
State of Nevada	Plaintiff
Ted Michael Donko	Defendant

### JOURNAL ENTRIES

OUTSIDE THE PRESENCE OF THE JURY: Instructions settled. Mr. Lexis stated he reached out to Mr. Hauser to see if they wanted to recall witness Ramos and was told it was not necessary. Mr. Hauser concurred. Colloquy regarding redaction of State's Exhibit 232. Defendant inquired as how to go about getting a supervised hospital visit to see his mother on life support. Court stated a motion must be filed. Defendant advised he'd like to take the stand. Court informed the Defendant of his constitutional rights as to any testimony. Record made by Mr. Hauser, noting against the advise of counsel, Defendant will testify. Colloquy between Court and Defendant's criminal past, pending testimony and potential self representation by Defendant. Record made by Mr. Hauser regarding Defendant's pending testimony. JURY PRESENT. Testimony and exhibits presented. (See Worksheet). State REST. Defendant REST. OUTSIDE THE PRESENCE OF THE JURY: Colloquy, argument, regarding time line of the stolen vehicle and the relationship of it with the Defendants statement to the detectives when they make contact with him. JURY PRESENT: Testimony and exhibits presented. (See Worksheet). State REST. Closing arguments on behalf of the State by Ms. Goodman and on behalf of the Defendant by Mr. Hauser. State's closing rebuttal argument by Mr. Lexis. At the hour of 4:31 PM, 2 Alternate Jurors were selected and the Jury retired to deliberate. OUTSIDE THE PRESENCE OF THE JURY: Mr. Shaygan-Fatemi inquired if the Defendant may stay with counsel during deliberations. Court stated it's up to the Corrections Officers. JURY PRESENT: At the hour OF 6:20 AM the Jury returned with a verdict at follows:

COUNT 1- GUILTY of BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM

COUNT 2- GUILTY of BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (FERNANDO ESPINOZA).

COUNT 3 GUILTY of ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (JONATHAN

Printed Date: 2/21/2020

Page 1 of 2

Minutes Date:

February 13, 2020

Prepared by: Keith Reed



SANCHEZ)

COUNT 4 GUILTY of ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
(FERNANDO ESPINOZA)

COUNT 5, GUILTY of ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (DEANDRE  
WOODS)

COUNT 6, GUILTY of ASSAULT WITH A DEADLY WEAPON (DEANDRE WOODS)

COUNT 7, GUILTY of DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,  
VEHICLE, AIRCRAFT, OR WATERCRAFT

Jury POLLED. Second Amended Information FILED IN OPEN COURT. Reading of Second Amended Information by the Clerk and Defendant's plea thereto announced. Opening statements WAIVED. Exhibits presented. (See worksheet). State REST. Defendant REST. Closing arguments on behalf of the State by Mr. Lexis and on behalf of the Defendant by Mr. Hauser. At the hour of 6:40 PM the Jury retired to deliberate. OUTSIDE THE PRESENCE OF THE JURY: Colloquy. Statement by Defendant in regards to the verdict not being fare, requested a copy of his Presentence Investigation Report prior to going to prison and advised he'll appeal. Mr. Shaygan-Fatemi stated he'll have a member of the appellant team reach out to the Defendant. JURY PRESENT. At the hour of 6:48 PM the Jury returned with a verdict of GUILTY to the charge of OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON. Court thanked and excused the Jury. OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED, matter REFEREED to the Division of Parole and Probation and SET for sentencing; Defendant REMANDED WITHOUT BAIL.

CUSTODY

4-1-20 9:30 AM SENTENCING

Felony/Gross Misdemeanor

COURT MINUTES

April 01, 2020

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C-19-345584-1      State of Nevada  
                                 vs  
                                 Ted Donko

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April 01, 2020      10:15 AM      Sentencing

HEARD BY:      Bluth, Jacqueline M.      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Reed, Keith

RECORDER:      Takas, De'Awna

REPORTER:

PARTIES PRESENT:

Robert B. Turner      Attorney for Plaintiff

State of Nevada      Plaintiff

Ted Michael Donko      Defendant

#### JOURNAL ENTRIES

Pursuant to the representations of Mr. Lexis, Mr. Turner advised Mr. Hauser is sick and would like a continuance until April 20th. COURT ORDERED, matter CONTINUED.

CUSTODY

4-20-20 10:15 AM SENTENCING

Felony/Gross Misdemeanor

COURT MINUTES

April 20, 2020

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C-19-345584-1      State of Nevada  
                                 vs  
                                 Ted Donko

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April 20, 2020      10:15 AM      Sentencing

HEARD BY:      Bluth, Jacqueline M.      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Reed, Keith

RECORDER:      Takas, De'Awna

REPORTER:

PARTIES PRESENT:

Chad N. Lexis      Attorney for Plaintiff

Robson M. Hauser      Attorney for Defendant

State of Nevada      Plaintiff

**JOURNAL ENTRIES**

Argument by Mr. Lexis. Statement by Defendant. Argument by Mr. Hauser. Colloquy regarding Court's retention of jurisdiction over restitution. By virtue of the Jury verdict, Defendant DONKO ADJUDGED GUILTY OF COUNTS 1, & 2, BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F), COUNTS 3, 4, & 5, ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 6, ASSAULT WITH A DEADLY WEAPON (F), COUNT 7, DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE VEHICLE AIRCRAFT OR WATERCRAFT (F), AND COUNT 8, OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee WAIVED, \$3.00 DNA Collection fee and \$250.00 Indigent Defense Civil Assessment fee, as to COUNT 1, Defendant SENTENCED to a MINIMUM OF TWENTY-FOUR (24) MONTHS AND A MAXIMUM OF SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), COUNT 2 a MINIMUM OF TWENTY-FOUR (24) MONTHS AND A MAXIMUM OF SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT 1, COUNT 3, a MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF NINETY-SIX (96) MONTHS in the Nevada Department of Corrections (NDC) PLUS A CONSECUTIVE TERM OF A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF THIRTY (30) MONTHS in the Nevada Department of Corrections (NDC) CONSECUTIVE TO COUNTS 1 & 2, COUNT 4, a MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF NINETY-SIX (96) MONTHS in the Nevada Department of Corrections (NDC) PLUS A CONSECUTIVE TERM OF A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF THIRTY (30) MONTHS in the Nevada Department of Corrections (NDC) CONSECUTIVE TO COUNT 3, COUNT 5, a MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF NINETY-SIX (96) MONTHS in the Nevada Department of Corrections (NDC) PLUS A CONSECUTIVE TERM OF A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF THIRTY (30) MONTHS in the Nevada Department of Corrections (NDC) CONSECUTIVE TO COUNT 4, COUNT 6, a MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF THIRTY (30) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT 5, COUNT 7, a MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF THIRTY (30) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT 6, COUNT 8, a MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF THIRTY (30) MONTHS in the

Nevada Department of Corrections (NDC) CONCURRENT WITH COUNT 7; ONE HUNDRED FIFTY (150) DAYS credit for time served; jurisdiction RETAINED as to restitution; aggregate INCLUDING the deadly weapon enhancement is a MINIMUM OF ONE HUNDRED FORTY-FOUR (144) MONTHS, A MAXIMUM OF THREE HUNDRED SEVENTY-EIGHT (378) MONTHS; Aggregate NOT INCLUDING the deadly weapon enhancement is a MINIMUM OF ONE HUNDRED EIGHT (108) MONTHS AND A MAXIMUM OF TWO HUNDRED EIGHTY-EIGHT (288) MONTHS,

NDC

CLERK'S NOTE: Following proceedings, COURT ORDERED, sentence AMENDED as to aggregate sentence.

Felony/Gross Misdemeanor

COURT MINUTES

June 15, 2020

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C-19-345584-1      State of Nevada  
                                 vs  
                                 Ted Donko

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June 15, 2020      10:15 AM      State's Notice of Motion and Motion to Address Aggregate  
Sentence Calculations

HEARD BY:      Bluth, Jacqueline M.      COURTROOM: RJC Courtroom 10C

COURT CLERK: Reed, Keith

RECORDER:      Takas, De'Awna

REPORTER:

PARTIES PRESENT:

Robson M. Hauser      Attorney for Defendant

Sarah Overly      Attorney for Plaintiff

State of Nevada      Plaintiff

**JOURNAL ENTRIES**

Court stated the aggregate sentence should be 168/438 months. Ms. Overly concurred. Mr. Hauser argued it's believed that's what's in the Judgment of Conviction, but it's not certain that was the Court's intention at sentencing. Court stated JAVS will be reviewed and a minute order will be issued.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 24, 2020**

C-19-345584-1      State of Nevada  
                                 vs  
                                 Ted Donko

**November 24, 2020      3:00 AM      Minute Order**

**HEARD BY:** Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Keith Reed**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Having heard the State's Motion to Address Aggregate Sentence Calculations on June 15, 2020, the Court finds that the total aggregate sentence is properly reflected as 168 mos to 438 mos. Although the aggregate sentence was miscalculated on the day of sentencing, the Court's ruling on the actual charges was very specific. See Transcript of Sentencing at 12, 7- 8 ([Weapon Enhancement] will obviously run consecutive to the Attempt Murder, and Count 3 will run consecutive to Counts 1 and 2. ). The sentencing was put on the record as follows:

Ct 1: 24 60 mos

Ct 2: 24 60 mos concurrent to Count 1

Ct 3: 36 96 mos with consecutive 12-30 mos d/w enhancement and consecutive to Count 2

Ct 4: 36 96 mos with consecutive 12-30 mos d/w enhancement and consecutive to Count 3

Ct 5: 36 96 mos with consecutive 12-30 mos d/w enhancement and consecutive to Count 4

Accordingly, the total aggregate is properly reflected as 168 mos to 438 mos. An Amended Judgment of Conviction is to be filed in accordance with this Order. Sullivan v. State, 120 Nev. 537, 540, 96 P.3d 761, 764 (2004) ( A judgment of conviction may be amended at any time to correct a clerical error or to correct an illegal sentence. ). IT IS SO ORDERED.

PRINT DATE: 11/24/2020

Page 1 of 2

Minutes Date: November 24, 2020

CLERK'S NOTE: The above minute order has been distributed via e-mail to: District Attorney Sarah Overly and Public Defender Robson M. Hauser. kar 11/24/20

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TED MICHAEL DONKO, ) No. 81075  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 THE STATE OF NEVADA, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

DARIN IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610  Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 <sup>rd</sup> Floor Las Vegas, Nevada 89155  AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538  Counsel for Respondent
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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 9 day of December 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

BY /s/ Rachel Howard  
Employee, Clark County Public Defender's Office