

TED MICHAEL DONKO,)
)
 Appellant,)
)
 vs.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
 _____)

Electronically Filed
 Jun 09 2021 11:07 a.m.
 Elizabeth A. Brown
 Clerk of Supreme Court
 Case No. 81075

Comes Now Appellant TED DONKO, by and through Chief Deputy Public Defender AUDREY M. CONWAY, and moves for a 21-day extension of time from Wednesday, June 9, 2021 through and including Wednesday, June 30, 2021, within which to file the Reply Brief in this case.

DATED this 9th day of June, 2021.

By /s/ Audrey M. Conway
AUDREY M. CONWAY, #5611
Chief Deputy Public Defender

DECLARATION OF AUDREY M. CONWAY

1. I am an attorney licensed to practice law in the State of Nevada; I am a chief deputy public defender assigned to handle the appeal of this matter; I am familiar with the procedural history of this case.

2. On April 24, 2020, appellant filed a Notice of Appeal from the judgment of conviction in his jury trial; the reply brief in this appeal is due today. On November 24, 2020, the trial court granted a post-conviction motion from the State and changed Donko's aggregate sentence to reflect an increase to 168-438 months from the original aggregate sentence of 144-378 months. As of the filing of the Opening Brief and the State's Answering Brief, no amended judgment of conviction had been filed reflecting the post-conviction ruling. However, on May 25, 2021, an amended judgment of conviction was filed in the district court.

3. On June 1, 2021, Mr. Donko filed a Notice of Appeal from the Amended Judgment of Conviction filed on May 25, 2021. The second appeal has yet to be assigned a case number by this Court. Upon assignment of a case number, counsel will immediately file a motion to consolidate the appeal of the Amended Judgment of Conviction filed on May 25, 2021, with the current appeal of his judgment of conviction in the instant case, Supreme Court Case No. 81075. These appellate issues are intertwined, and the

change in aggregate sentencing has already been substantively briefed and addressed by both parties in the instant appeal. In the interests of judicial economy and in fairness to the defendant, Donko will seek consolidation of these appeals to insure the proper preservation of all issues arising from the Amended Judgment of Conviction filed on May 25, 2021.

4. This request for extension of time is made in good faith and not for the purposes of delay. It is the best professional judgment of the undersigned that this extension is crucial to the perfection of this appeal and to the provision of effective assistance of counsel to this client.

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

EXECUTED on the 9th day of June, 2021.

/s/ Audrey M. Conway
AUDREY M. CONWAY

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 9th day of June, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
ALEXANDER CHEN

AUDREY M. CONWAY

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

TED DONKO
NDOC No: 1080899
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

BY /s/ Carrie M. Connolly
Employee, Clark County Public
Defender's Office