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No. 81075

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Counsel for Respondent

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TED MICHAEL DONKO
Case No. 81075

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Heather L. Linn
CLERK OF THE COURT

1 AJOC
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3

4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6 THE STATE OF NEVADA,
7

8 Plaintiff,

9 -vs-

10 TED MICHAEL DONKO
11 #2668752

12 Defendant.

CASE NO. C-19-345584-1

DEPT. NO. VI

13
14 AMENDED JUDGMENT OF CONVICTION
15 (JURY TRIAL)
16

17 The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1 & 2
18 – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY
19 HARM (Category B Felony) in violation of NRS 200.481; COUNTS 3, 4, & 5 – ATTEMPT
20 MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS
21 200.010, 200.030, 193.330, 193.165; COUNT 6 – ASSAULT WITH A DEADLY WEAPON
22 (Category B Felony) in violation of NRS 200.471; COUNT 7 – DISCHARGING FIREARM AT
23 OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B
24 Felony) in violation of NRS 202.285; and Bifurcated COUNT 1, originally COUNT 8 –
25 OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B
26 Felony) in violation of NRS 202.360; and the matter having been tried before a jury and the
27 Defendant having been found guilty of the crimes of COUNTS 1 & 2 – BATTERY WITH USE
28

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 20th 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 WAS HEREBY ADJUDGED guilty of said offenses and, in addition
14 to the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil Assessment
15 Fee, \$3.00 DNA Collection Fee, and Jurisdiction retained as to any Restitution, the Defendant
16 is 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.

19 THEREAFTER, on the 25th day of November, 2020, a clerical error having been
20 discovered; COURT ORDERED, the following correction: the Defendant is sentenced to the
21 Nevada Department of Corrections (NDC) as follows: **COUNT 1** - a MAXIMUM of SIXTY (60)
22 MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS; **COUNT 2** - a
23 MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24)
24 MONTHS, CONCURRENT with COUNT 1; **COUNT 3** - a MAXIMUM of NINETY-SIX (96)
25 MONTHS with a MINIMUM parole eligibility of THIRTY-SIX (36) MONTHS, plus a
26 CONSECUTIVE term of THIRTY (30) MONTHS with a MINIMUM parole eligibility of TWELVE
27 (12) MONTHS for the Use of a Deadly Weapon, CONSECUTIVE to COUNT 2; **COUNT 4** - a
28

1 MAXIMUM of NINETY-SIX (96) MONTHS with a MINIMUM parole eligibility of THIRTY-SIX
2 (36) MONTHS, plus a CONSECUTIVE term of THIRTY (30) MONTHS with a MINIMUM
3 parole eligibility of TWELVE (12) MONTHS for the Use of a Deadly Weapon, CONSECUTIVE
4 to COUNT 3; **COUNT 5** - a MAXIMUM of NINETY-SIX (96) MONTHS with a MINIMUM parole
5 eligibility of THIRTY-SIX (36) MONTHS, plus a CONSECUTIVE term of THIRTY (30)
6 MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS for the Use of a
7 Deadly Weapon, CONSECUTIVE to COUNT 4; **COUNT 6** - a MAXIMUM of THIRTY (30)
8 MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS, CONCURRENT with
9 COUNT 5; **COUNT 7** - a MAXIMUM of THIRTY (30) MONTHS with a MINIMUM parole
10 eligibility of TWELVE (12) MONTHS, CONCURRENT with COUNT 6; and **Bifurcated COUNT**
11 **1, originally COUNT 8** - a MAXIMUM of THIRTY (30) MONTHS with a MINIMUM parole
12 eligibility of TWELVE (12) MONTHS, CONCURRENT with COUNT 7; with ONE HUNDRED
13 FIFTY (150) DAYS credit for time served. As the \$150.00 DNA Analysis Fee and Genetic
14 Testing have been previously imposed, the Fee and Testing in the current case are WAIVED.
15 The AGGREGATE TOTAL sentence is FOUR HUNDRED THIRTY-EIGHT (438) MONTHS
16 MAXIMUM with a MINIMUM of ONE HUNDRED SIXTY-EIGHT (168) MONTHS.
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21 Dated this 25th day of May, 2021

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25 **A8B 164 OCCE 9F33**
26 **Jacqueline M. Bluth**
27 **District Court Judge**
28

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 State of Nevada

CASE NO: C-19-345584-1

7 vs

DEPT. NO. Department 6

8 Ted Donko
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Judgment of Conviction was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/25/2021

15 Dept 25 Law Clerk

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NOAS

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NEVADA BAR No. 5674
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-19-345584-1
)	
v.)	DEPT. NO. VI
)	
TED MICHAEL DONKO,)	
)	
Defendant.)	
)	<u>NOTICE OF APPEAL</u>

TO: THE STATE OF NEVADA

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

NOTICE is hereby given that Defendant, Ted Michael Donko, presently incarcerated in the Nevada State Prison, appeals to the Supreme Court of the State of Nevada from the amended judgment entered against said Defendant on the 25th day of May, 2021, whereby he was adjudged guilty of Counts 1 & 2, Battery With Use of a 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 bifurcated Count 1, originally Count 8 - Ownership or Possession of Firearm by Prohibited Person and sentenced to \$25 Admin. Fee; \$3 DNA collection fee; and jurisdiction retained as to any

1 restitution; as to Ct. 1 - 24-60 months in prison; Ct. 2 - 24-60
2 months in prison concurrent with Ct. 1; Ct. 3 - 36-96 months in
3 prison plus a consecutive term of 12-30 months in prison
4 consecutive to Cts. 1 & 2, Ct. 4 - 36-96 months in prison plus a
5 consecutive term of 12-30 months for use of a deadly weapon
6 consecutive to Ct. 3; Ct. 5 - 36-96 months in prison plus a
7 consecutive term of 12-30 months in prison consecutive to Ct. 4,
8 Ct. 6 - 12-30 months in prison concurrent with Ct. 5; Ct. 7 - 12-
9 30 months in prison concurrent with Ct. 6; and **Bifurcated Count 1,**
10 **originally Count 8** - 12-30 months in prison concurrent with Count
11 7; 150 days credit for time served; \$150 DNA analysis fee and
12 genetic testing, previously imposed the fee and testing in the
13 current case is waived. The Aggregate total sentence including
14 the Deadly Weapon Enhancement is 144-378 months. The aggregate
15 total sentence not including the deadly weapon enhancement is 108-
16 288 months. On November 25, 2020 a clerical error having been
17 discovered, Court ordered the following correction: Ct. 1 - 24-60
18 months in prison; Ct. 2 - 24-60 months in prison concurrent with
19 Ct. 1; Ct. 3 - 36-96 months in prison plus a consecutive term of
20 12-30 months in prison consecutive to Ct. 2, Ct. 4 - 36-96 months
21 in prison plus a consecutive term of 12-30 months for use of a
22 deadly weapon consecutive to Ct. 3; Ct. 5 - 36-96 months in prison
23 plus a consecutive term of 12-30 months in prison consecutive to
24 Ct. 4, Ct. 6 - 12-30 months in prison concurrent with Ct. 5; Ct. 7
25 - 12-30 months in prison concurrent with Ct. 6; and **Bifurcated**
26 **Count 1, originally Count 8** - 12-30 months in prison concurrent
27 with Count 7; 150 days credit for time served, \$150 DNA analysis
28 fee and genetic testing have been previously imposed, the fee and

1 testing is waived. The aggregate total is 168-438 months.

2 DATED this 1st day of June, 2021.

3 DARIN F. IMLAY
4 CLARK COUNTY PUBLIC DEFENDER

5
6 By: /s/ Audrey M. Conway
7 AUDREY M. CONWAY, #5611
8 Deputy Public Defender
9 309 S. Third Street, Ste. 226
10 Las Vegas, Nevada 89155
11 (702) 455-4685
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1 **CERTIFICATE OF ELECTRONIC FILING**

2 I hereby certify that service of the above and foregoing
3 was made this 1st day of June, 2021, by Electronic Filing to:

4 District Attorneys Office
5 E-Mail Address:

6 PDMotions@clarkcountyda.com

7 Jennifer.Garcia@clarkcountyda.com

8 Eileen.Davis@clarkcountyda.com

9 /s/ Carrie M. Connolly
10 Secretary for the
11 Public Defender's Office

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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 rd Floor Las Vegas, Nevada 89155 AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for Respondent
---	--

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 3rd day of July, 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:

TED MICHAEL DONKO, #1080899
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office