

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

Electronically Filed  
Jun 10 2021 11:51 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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 amended  
26 judgment entered against said Defendant on the 25<sup>th</sup> day of May,  
27 2021, whereby he was adjudged guilty of Counts 1 & 2, Battery With  
28 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 1<sup>st</sup> 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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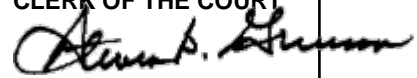
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**CAS**

DARIN F. IMLAY, PUBLIC DEFENDER  
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.	)	
	)	

**CASE APPEAL STATEMENT**

1. Appellant filing this case appeal statement: Ted Michael Donko.

2. Judge issuing the decision, judgment, or order appealed from: Honorable Jaqueline Bluth.

3. All parties to the proceedings in the district court (the use of et al. To denote parties is prohibited): The State of Nevada, Plaintiff; Ted Michael Donko, Defendant.

4. All parties involved in this appeal (the use of et. al. to denote parties is prohibited): Ted Michael Donko, Appellant; The State of Nevada, Respondent.

1                   5.    Name, law firm, address, and telephone number of  
2 all counsel on appeal and party or parties whom they represent:

3 DARIN F. IMLAY  
4 Clark County Public Defender  
309 South Third Street, #226  
5 Las Vegas, Nevada 89155-2610

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

6 Attorney for Appellant

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

9 Counsel for Respondent

10                   6.    Whether appellant was represented by appointed or  
11 retained counsel in the district court: Appointed.

12                   7.    Whether appellant is represented by appointed or  
13 retained counsel on appeal: Appointed.

14                   8.    Whether appellant was granted leave to proceed in  
15 forma pauperis, and the date of entry of the district court  
16 order granting such leave: N/A.

17                   9.    Date proceedings commenced in the district court  
18 (e.g., date complaint, indictment, information, or petition was  
19 filed): Information filed 12/19/19.

20 DATED this 1<sup>ST</sup> DAY OF June, 2021.

21 DARIN F. IMLAY  
22 CLARK COUNTY PUBLIC DEFENDER

23  
24 By: /s/Audrey M. Conway  
25 AUDREY M. CONWAY, #5611  
26 Deputy Public Defender  
309 S. Third Street, Ste. 226  
27 Las Vegas, Nevada 89155  
(702) 455-4685

1  
2                   **CERTIFICATE OF ELECTRONIC FILING**

3                   I hereby certify that service of the above and  
4 foregoing was made this 1<sup>ST</sup> DAY OF June, 2021, by Electronic  
5 Filing to:

6                                   District Attorneys Office

7                                   E-Mail Address:

8                                   [PDMotions@ccdandv.com](mailto:PDMotions@ccdandv.com)

9                                   [Jennifer.Garcia@ccdandv.com](mailto:Jennifer.Garcia@ccdandv.com)

10                                  [Eileen.Davis@ccdandv.com](mailto:Eileen.Davis@ccdandv.com)

11                                   /s/ Carrie M. Connolly

12                                  Secretary for the

13                                  Public Defender's Office



## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. C-19-345584-1**

State of Nevada  
vs  
Ted Donko

§ Location: **Department 6**  
 § Judicial Officer: **Bluth, Jacqueline M.**  
 § Filed on: **12/18/2019**  
 § Case Number History:  
 § Cross-Reference Case Number: **C345584**  
 § Defendant's Scope ID #: **2668752**  
 § ITAG Booking Number: **1900067778**  
 § ITAG Case ID: **2169524**  
 § Lower Court Case # Root: **19F24531**  
 § Lower Court Case Number: **19F24531X**  
 § Supreme Court No.: **81075**

**CASE INFORMATION**

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: <b>District Court</b>					
1. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM PCN: 0025871204 ACN: 0 Arrest: 11/23/2019 MET - Metro	200.481.2e2	F	10/01/2019	Case Status:	<b>04/28/2020 Closed</b>
2. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	10/01/2019		
3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	10/01/2019		
4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	10/01/2019		
5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	10/01/2019		
6. ASSAULT WITH A DEADLY WEAPON	200.471.2b	F	10/01/2019		
7. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	10/01/2019		
8. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON	202.360.1	F	10/01/2019		

**Statistical Closures**

04/28/2020 Jury Trial - Conviction - Criminal

**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number C-19-345584-1  
 Court Department 6  
 Date Assigned 04/17/2020  
 Judicial Officer Bluth, Jacqueline M.

**PARTY INFORMATION**

<b>Defendant</b>	<b>Donko, Ted Michael</b>	<i>Lead Attorneys</i> <b>Public Defender</b> <i>Public Defender</i> 702-455-4685(W)
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)












**DATE****EVENTS & ORDERS OF THE COURT****INDEX**

**CASE SUMMARY**  
**CASE NO. C-19-345584-1**

**EVENTS**

12/18/2019	 Criminal Bindover Packet Justice Court
12/18/2019	 Criminal Bindover - Confidential
12/19/2019	 Information <i>Information</i>
12/30/2019	 Notice of Witnesses and/or Expert Witnesses <i>State's Notice of Witnesses and/or Expert Witnesses</i>
01/05/2020	 Reporters Transcript <i>REPORTERS TRANSCRIPT OF PROCEEDINGS PRELIMINARY HEARING</i>
01/10/2020	 Supplemental Witness List <i>State's Supplemental Notice of Witnesses and/or Expert Witnesses</i>
01/14/2020	 Receipt of Copy <i>Receipt of Copy</i>
01/21/2020	 Order <i>Ex Parte Motion and Order for Release of Certified Medical Records and Authorization for Related Witness Testimony</i>
01/21/2020	 Order <i>Ex Parte Motion and Order for Release of Certified Medical Records and Authorization for Related Witness Testimony</i>
01/23/2020	 Motion to Compel Filed By: Defendant Donko, Ted Michael <i>Defendant's Motion to Compel Production of Discovery &amp; Brady Material</i>
02/03/2020	 Notice of Witnesses Party: Defendant Donko, Ted Michael <i>Defendant's Notice of Witnesses, Pursuant to NRS 174.234</i>
02/04/2020	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>Receipt of Copy</i>
02/05/2020	 Supplemental Witness List <i>State's Supplemental Notice of Witnesses and/or Expert Witnesses</i>
02/05/2020	 Supplemental Witness List <i>State's Third Supplemental Notice of Witnesses and/or Expert Witnesses</i>
02/07/2020	 Motion <i>Motion to Withdraw Due to Conflict</i>
02/10/2020	 Amended Information <i>Amended Information</i>
02/11/2020	 Jury List

**CASE SUMMARY**  
**CASE NO. C-19-345584-1**

	<i>Jury List</i>
02/13/2020	 Amended Information <i>Second Amended Information</i>
02/13/2020	 Amended Jury List <i>Amended Jury List</i>
02/13/2020	 Jury Instructions <i>Instructions to the Jury (Instructions No.1) Timed - 6:10</i>
02/13/2020	 Jury Instructions <i>Instructions to the Jury (Instruction No.1) Timed: 6:48</i>
02/13/2020	 Proposed Jury Instructions Not Used At Trial <i>Defendant's Proposed Jury Instructions Not Used in Trial</i>
02/13/2020	 Verdict <i>Verdict</i>
02/13/2020	 Verdict <i>Verdict</i>
03/18/2020	 PSI
04/21/2020	 Notice of Appeal (Criminal) <i>Notice of Appeal</i>
04/21/2020	 Case Appeal Statement <i>Case Appeal Statement</i>
04/28/2020	 Judgment of Conviction <i>Judgment of Conviction (Jury Trial)</i>
04/28/2020	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>
05/06/2020	 Request <i>Request for Certified Transcript of Proceedings</i>
05/13/2020	 Reporters Transcript <i>REPORTERS TRANSCRIPT OF PROCEEDINGS CALENDAR CALL</i>
05/14/2020	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re:Initial Arraignment</i>
06/03/2020	 Motion Filed By: Defendant Donko, Ted Michael <i>State's Notice of Motion and Motion to Address Aggregate Sentence Calculations</i>
06/03/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>

# CASE SUMMARY

CASE NO. C-19-345584-1

06/08/2020	 <b>Recorders Transcript of Hearing</b> <i>Transcript of Proceedings Re: Jury Trial - Part I - Day 1 of 4 02/10/2020</i>
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06/08/2020	 <b>Recorders Transcript of Hearing</b> <i>Transcript of Proceedings Re: Jury Trial - Part I - Day 3 of 4 02/12/2020</i>
06/08/2020	 <b>Recorders Transcript of Hearing</b> <i>Transcript of Proceedings Re: Jury Trial - Part I - Day 4 of 4 02/13/2020</i>
06/08/2020	 <b>Recorders Transcript of Hearing</b> <i>Transcript of Proceedings Re: Jury Trial - Part 2 - Day 1 of 1 02/13/2020</i>
06/08/2020	 <b>Recorders Transcript of Hearing</b> <i>Recorder's Transcript of Hearing Re: Sentencing 04/01/2020</i>
06/08/2020	 <b>Recorders Transcript of Hearing</b> <i>Recorder's Transcript of Hearing Re: Sentencing 04/20/2020</i>
06/23/2020	 <b>Certificate of Service</b> <i>Amended Certificate of Service</i>
08/06/2020	 <b>Transcript of Proceedings</b> Party: Defendant Donko, Ted Michael <i>Recorder's Transcript of Proceedings re Calendar Call - Friday, February 7, 2020</i>
10/06/2020	 <b>Request</b> <i>Request for Certified Transcript of Proceedings</i>
10/29/2020	 <b>Recorders Transcript of Hearing</b> <i>Recorder's Transcript of Proceedings Re: State's Notice of Motion and Motion to Address Aggregate Sentence Calculations 06/15/2020</i>
10/29/2020	 <b>Certificate of Service</b> <i>Certificate of Service</i>
05/25/2021	 <b>Judgment of Conviction</b> <i>Amended Judgment of Conviction (Jury Trial)</i>
06/01/2021	 <b>Notice of Appeal (Criminal)</b> <i>Notice of Appeal</i>
06/01/2021	 <b>Case Appeal Statement</b> <i>Case Appeal Statement</i>

## DISPOSITIONS

12/20/2019	<b>Plea</b> (Judicial Officer: Delaney, Kathleen E.) 1. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM Not Guilty PCN: 0025871204 Sequence:
------------	--

**CASE SUMMARY**  
**CASE NO. C-19-345584-1**

2. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM  
Not Guilty  
PCN: Sequence:

3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
Not Guilty  
PCN: Sequence:

4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
Not Guilty  
PCN: Sequence:

5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
Not Guilty  
PCN: Sequence:

6. ASSAULT WITH A DEADLY WEAPON  
Not Guilty  
PCN: Sequence:

7. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR  
WATERCRAFT  
Not Guilty  
PCN: Sequence:

8. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON  
Not Guilty  
PCN: Sequence:

04/20/2020 **Disposition** (Judicial Officer: Delaney, Kathleen E.)

1. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM  
Guilty  
PCN: 0025871204 Sequence:

2. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM  
Guilty  
PCN: Sequence:

3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:

4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:

5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:

6. ASSAULT WITH A DEADLY WEAPON  
Guilty  
PCN: Sequence:

7. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR  
WATERCRAFT  
Guilty  
PCN: Sequence:

**CASE SUMMARY****CASE NO. C-19-345584-1**

04/20/2020 **Adult Adjudication** (Judicial Officer: Bluth, Jacqueline M.)  
1. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM  
10/01/2019 (F) 200.481.2e2 (DC50226)  
PCN: 0025871204 Sequence:

---

Sentenced to Nevada Dept. of Corrections  
Term: Minimum:24 Months, Maximum:60 Months

04/20/2020 **Adult Adjudication** (Judicial Officer: Bluth, Jacqueline M.)  
2. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM  
10/01/2019 (F) 200.481.2e2 (DC50226)  
PCN: Sequence:

---

Sentenced to Nevada Dept. of Corrections  
Term: Minimum:24 Months, Maximum:60 Months  
Concurrent: Charge 1

04/20/2020 **Adult Adjudication** (Judicial Officer: Bluth, Jacqueline M.)  
3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
10/01/2019 (F) 200.010 (DC50031)  
PCN: Sequence:

---

Sentenced to Nevada Dept. of Corrections  
Term: Minimum:36 Months, Maximum:96 Months  
Consecutive Enhancement:Use of a Deadly Weapon, Minimum:12 Months, Maximum:30 Months  
Consecutive: Charge 1 & 2

04/20/2020 **Adult Adjudication** (Judicial Officer: Bluth, Jacqueline M.)  
4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
10/01/2019 (F) 200.010 (DC50031)  
PCN: Sequence:

---

Sentenced to Nevada Dept. of Corrections  
Term: Minimum:36 Months, Maximum:96 Months  
Consecutive Enhancement:use of a Deadly Weapon, Minimum:12 Months, Maximum:30 Months  
Consecutive: Charge 3

04/20/2020 **Adult Adjudication** (Judicial Officer: Bluth, Jacqueline M.)  
5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
10/01/2019 (F) 200.010 (DC50031)  
PCN: Sequence:

---

Sentenced to Nevada Dept. of Corrections  
Term: Minimum:36 Months, Maximum:96 Months  
Consecutive Enhancement:use of a Deadly Weapon, Minimum:12 Months, Maximum:30 Months  
Consecutive: Charge 4

04/20/2020 **Adult Adjudication** (Judicial Officer: Bluth, Jacqueline M.)  
6. ASSAULT WITH A DEADLY WEAPON  
10/01/2019 (F) 200.471.2b (DC50201)  
PCN: Sequence:

---

Sentenced to Nevada Dept. of Corrections  
Term: Minimum:12 Months, Maximum:30 Months  
Concurrent: Charge 5

04/20/2020 **Adult Adjudication** (Judicial Officer: Bluth, Jacqueline M.)  
7. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT  
10/01/2019 (F) 202.285.1b (DC51442)  
PCN: Sequence:

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**CASE SUMMARY****CASE NO. C-19-345584-1**

Sentenced to Nevada Dept. of Corrections  
 Term: Minimum:12 Months, Maximum:30 Months  
 Concurrent: Charge 6

04/20/2020 **Disposition** (Judicial Officer: Bluth, Jacqueline M.)  
 8. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON  
 Guilty  
 PCN: Sequence:

04/20/2020 **Adult Adjudication** (Judicial Officer: Bluth, Jacqueline M.)  
 8. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON  
 10/01/2019 (F) 202.360.1 (DC51460)  
 PCN: Sequence:

Sentenced to Nevada Dept. of Corrections  
 Term: Minimum:12 Months, Maximum:30 Months  
 Concurrent: Charge 7  
 Credit for Time Served: 150 Days

**Fee Totals:**


Administrative Assessment Fee	25.00
\$25	
Genetic Marker Analysis AA Fee	3.00
\$3	
Indigent Defense Civil Assessment	250.00
Fee - ASK	

Fee Totals \$ 278.00


Comment (\$150. DNAF Waived)

Comment (Aggregate INCLUDING the deadly weapon enhancement is a MINIMUM OF ONE HUNDRED FORTYFOUR (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 EIGHTYEIGHT (288) MONTHS, NDC )

**HEARINGS**

12/20/2019  **Initial Arraignment** (10:00 AM) (Hearing Master: Wittenberger, Shannon)  
 Trial Date Set;  
 Journal Entry Details:  
*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);*

02/03/2020 **Motion to Compel** (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)  
*Defendant's Motion to Compel Production of Discovery & Brady Material*  
 Granted in Part;

02/03/2020  **All Pending Motions** (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)  
 Matter Heard;  
 Journal Entry Details:  
*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*

# CASE SUMMARY

## CASE NO. C-19-345584-1

*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);*

02/03/2020 **Calendar Call (9:30 AM)** (Judicial Officer: Delaney, Kathleen E.)

### MINUTES

Referred to Overflow;

### SCHEDULED HEARINGS



**All Pending Motions (02/03/2020 at 9:00 AM)** (Judicial Officer: Delaney, Kathleen E.)



**Overflow (02/07/2020 at 8:30 AM)** (Judicial Officer: Jones, Tierra)

*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.*

02/07/2020 **Overflow (8:30 AM)** (Judicial Officer: Jones, Tierra)

*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.*

Matter Heard;

Journal Entry Details:

*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;*

02/10/2020 **CANCELED Jury Trial (10:30 AM)** (Judicial Officer: Delaney, Kathleen E.)

*Vacated - per Judge*

02/10/2020 **Jury Trial (1:30 PM)** (Judicial Officer: Bluth, Jacqueline M.)

**02/10/2020-02/13/2020**

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

*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 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.*



**CASE SUMMARY****CASE NO. C-19-345584-1**

(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 fair, 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;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

**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.;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

**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.;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

**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.;

04/01/2020

**Sentencing (10:15 AM)** (Judicial Officer: Bluth, Jacqueline M.)**04/01/2020, 04/20/2020**

Continued;

Defendant Sentenced;

Journal Entry Details:

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

# CASE SUMMARY

CASE NO. C-19-345584-1

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. ;

Continued;

Defendant Sentenced;

Journal Entry Details:

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 ;

06/15/2020



**Motion** (10:15 AM) (Judicial Officer: Bluth, Jacqueline M.)

State's Notice of Motion and Motion to Address Aggregate Sentence Calculations

Matter Heard;

Journal Entry Details:

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;

11/24/2020



**Minute Order** (3:00 AM) (Judicial Officer: Bluth, Jacqueline M.)

Minute Order Re: State's Motion to Address Aggregate Sentence Calculations on June 15, 2020

Minute Order - No Hearing Held;

Journal Entry Details:

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. 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;

11/25/2020



**Minute Order** (3:00 AM) (Judicial Officer: Bluth, Jacqueline M.)

Amended Minute Order Re: State's Motion to Address Aggregate Sentence Calculations on June 15, 2020

Minute Order - No Hearing Held;

Journal Entry Details:

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

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. C-19-345584-1**

*miscalculated on the day of sentencing, the Court's ruling on the actual charges was very specific. See Transcript of Sentencing at 12, 7 15 ( [Weapon Enhancement] will obviously run consecutive to the Attempt Murder, and Count 3 will run consecutive to Counts 1 and 2 . . . Count 4 . . . That will run consecutive to Count Number 3. Count Number 5 . . . That's to run consecutive to Count 4. ). 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. 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 12/1/20;*

DATE

FINANCIAL INFORMATION

**Defendant** Donko, Ted Michael

Total Charges

278.00

Total Payments and Credits

0.00

**Balance Due as of 6/3/2021**

**278.00**

*Heather S. Smith*

CLERK OF THE COURT

AJOC

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

AMENDED 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 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.  
17  
18

19 THEREAFTER, on the 25<sup>th</sup> 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.  
17  
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21 Dated this 25th day of May, 2021

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23  
24

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

1 **CSERV**

2  
3 DISTRICT COURT  
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

Dept25LC@clarkcountycourts.us

16 Robson Hauser

Robson.Hauser@clarkcountynv.gov

17 Brett Spratt

brett.spratt@clarkcountynv.gov

18 DeLois Williams

Delois.Williams@clarkcountynv.gov

19 Public Defender's Office

pdclerk@clarkcountynv.gov

20 Dept 25 JEA Knight

KnightM@clarkcountycourts.us

21 Carrie Connolly

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22 Jennifer Garcia

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23 Eileen Davis

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24 Sharon Nichols

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25 Robert Cangemi

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27  
28



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Victoria Boyd	boydv@clarkcountycourts.us
De'Awna Takas	takasd@clarkcountycourts.us
Dept 6 Law Clerk	dept06lc@clarkcountycourts.us

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 20, 2019**

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C-19-345584-1      State of Nevada  
                                 vs  
                                 Ted Donko

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**December 20, 2019      10:00 AM      Initial Arraignment**

**HEARD BY:**    Wittenberger, Shannon      **COURTROOM:**    RJC Lower Level Arraignment

**COURT CLERK:**    Kristen Brown

**RECORDER:**    Sharon Nichols

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Derjavina, Ekaterina	Attorney
	Donko, Ted Michael	Defendant
	Public Defender	Attorney
	Richards, Daren B.	Attorney
	State of Nevada	Plaintiff

**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)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 03, 2020**

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C-19-345584-1      State of Nevada  
                                 vs  
                                 Ted Donko

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**February 03, 2020      9:00 AM      All Pending Motions**

**HEARD BY:** Delaney, Kathleen E.      **COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Shelley Boyle

**RECORDER:**

**REPORTER:** Robert Cangemi

**PARTIES**

<b>PRESENT:</b>	Cannizzaro, Nicole J.	Attorney
	Donko, Ted Michael	Defendant
	Hauser, Robson M.	Attorney
	Shaygan-Fatemi, Kambiz	Attorney
	State of Nevada	Plaintiff

**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)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**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      8:30 AM      Overflow**

**HEARD BY:** Jones, Tierra      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Keith Reed

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Donko, Ted Michael	Defendant
	Hauser, Robson M.	Attorney
	Lexis, Chad N.	Attorney
	State of Nevada	Plaintiff

**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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 10, 2020**

C-19-345584-1      State of Nevada  
vs  
Ted Donko

**February 10, 2020      1:30 PM      Jury Trial**

**HEARD BY:** Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Keith Reed**RECORDER:** De'Awna Takas**REPORTER:****PARTIES**

<b>PRESENT:</b>	Donko, Ted Michael	Defendant
	Goodman, Laura	Attorney
	Hauser, Robson M.	Attorney
	Lexis, Chad N.	Attorney
	Shaygan-Fatemi, Kambiz	Attorney
	State of Nevada	Plaintiff

**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.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 11, 2020**

C-19-345584-1      State of Nevada  
vs  
Ted Donko

**February 11, 2020      11:00 AM      Jury Trial**

**HEARD BY:** Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Keith Reed**RECORDER:** De'Awna Takas**REPORTER:****PARTIES**

<b>PRESENT:</b>	Donko, Ted Michael	Defendant
	Goodman, Laura	Attorney
	Hauser, Robson M.	Attorney
	Lexis, Chad N.	Attorney
	Shaygan-Fatemi, Kambiz	Attorney
	State of Nevada	Plaintiff

**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.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 12, 2020**

C-19-345584-1      State of Nevada  
vs  
Ted Donko

**February 12, 2020      1:00 PM      Jury Trial**

**HEARD BY:** Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Keith Reed**RECORDER:** De'Awna Takas**REPORTER:****PARTIES**

<b>PRESENT:</b>	Donko, Ted Michael	Defendant
	Goodman, Laura	Attorney
	Hauser, Robson M.	Attorney
	Lexis, Chad N.	Attorney
	Shaygan-Fatemi, Kambiz	Attorney
	State of Nevada	Plaintiff

**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.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 13, 2020**

C-19-345584-1      State of Nevada  
vs  
Ted Donko

**February 13, 2020      12:30 AM      Jury Trial**

**HEARD BY:** Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Keith Reed**RECORDER:** De'Awna Takas**REPORTER:****PARTIES**

<b>PRESENT:</b>	Donko, Ted Michael	Defendant
	Goodman, Laura	Attorney
	Hauser, Robson M.	Attorney
	Lexis, Chad N.	Attorney
	Shaygan-Fatemi, Kambiz	Attorney
	State of Nevada	Plaintiff

**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 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 fair, 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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**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:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**      Donko, Ted Michael      Defendant  
                                 State of Nevada      Plaintiff  
                                 Turner, Robert B.      Attorney

**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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 20, 2020**

C-19-345584-1      State of Nevada  
vs  
Ted Donko

**April 20, 2020      10:15 AM      Sentencing**

**HEARD BY:** Bluth, Jacqueline M.      **COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Hauser, Robson M.	Attorney
	Lexis, Chad N.	Attorney
	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.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**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      Motion**

**HEARD BY:** Bluth, Jacqueline M.      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Hauser, Robson M.	Attorney
	Overly, Sarah	Attorney
	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**

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C-19-345584-1      State of Nevada  
                                 vs  
                                 Ted Donko

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**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.

**CLERK'S NOTE:** The above minute order has been distributed via e-mail to: District Attorney Sarah

**PRINT DATE:** 06/03/2021

**Page** 14 of 17

**Minutes Date:** December 20, 2019

Overly and Public Defender Robson M. Hauser. kar 11/24/20



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 25, 2020**

C-19-345584-1      State of Nevada  
                                 vs  
                                 Ted Donko

**November 25, 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 15 ( [Weapon Enhancement] will obviously run consecutive to the Attempt Murder, and Count 3 will run consecutive to Counts 1 and 2 . . . Count 4 . . . That will run consecutive to Count Number 3. Count Number 5 . . . That's to run consecutive to Count 4. ). 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.

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 12/1/20

# EXHIBIT(S) LIST

Case No.: C 345 584  
 Dept. No.: 6

Trial Date: FEBRUARY 10, 2020  
 Judge: SACQUELINE BLUTH

Plaintiff: ST OF NEVADA

Court Clerk: KEITH REED  
 Recorder: DE'AWNA TAKAS

Counsel for Plaintiff: \_\_\_\_\_

vs.  
 Defendant: TED MICHAEL DONKO

LAURA GOODMAN + CHAD LEXIS  
 Counsel for Defendant: \_\_\_\_\_

ROBSON HAUSER + KAMBIZ SHAYGAN-FATEMI

## TRIAL BEFORE THE COURT

### STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	VIDEO	2/11/20	NO	2/11/20	AG
2	PHOTOGRAPH	2/11/20	STP	2/11/20	AG
3	↑	↑	↑	↑	AG
4					AG
5					AG
6					AG
7					AG
8					AG
9					AG
10					AG
11					AG
12					AG
13					AG
14					AG
15					AG
16	↓	↓	↓	↓	AG
17	PHOTOGRAPH	2/11/20	STP	2/11/20	AG

# EXHIBIT(S) LIST

VS.

## STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
18	PHOTOGRAPH	2/11/20	STP	2/11/20	BB
19	↑	↑	↑	↑	BB
20					BB
21					BB
22					BB
23					BB
24					BB
25					BB
26					BB
27					BB
28					BB
29					BB
30					BB
31					BB
32					BB
33					BB
34					BB
35					BB
36					BB
37					BB
38					BB
39					BB
40					BB
41	↓	↓	↓	↓	BB
42	PHOTOGRAPH	2/11/20	STP	2/11/20	BB

## EXHIBIT(S) LIST

**VS.**

## STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
43	PHOTOGRAPH	2/11/20	STP	2/11/20
44				
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66				
67	PHOTOGRAPH	2/11/20	STP	2/11/20

# EXHIBIT(S) LIST

VS.

## STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
68	PHOTOGRAPH	2/11/20	STP	2/11/20	AB
69	↑	↑	↑	↑	AB
70					AB
71					AB
72					AB
73					AB
74					AB
75					AB
76					AB
77					AB
78					AB
79					AB
80					AB
81					AB
82					AB
83					AB
84					AB
85					AB
86					AB
87					AB
88					AB
89					AB
90					AB
91	↓	↓	↓	↓	AB
92	PHOTOGRAPH	2/11/20	STP	2/11/20	AB

# EXHIBIT(S) LIST

VS.

## STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
93	PHOTOGRAPH	2/11/20	STP	2/11/20	PS
94	↑	↑	↑	↑	PS
95					PS
96					PS
97					PS
98					PS
99					PS
100					PS
101					PS
102					PS
103					PS
104					PS
105					PS
106					PS
107					PS
108					PS
109					PS
110					PS
111					PS
112					PS
113					PS
114					PS
115					PS
116	↓	↓	↓	↓	PS
117	PHOTOGRAPH	2/11/20	STP	2/11/20	PS

# EXHIBIT(S) LIST

VS.

## STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
118	PHOTOGRAPH	2/11/20	STP	2/11/20	PS
119	↑	↑	↑	↑	PS
120					PS
121					PS
122					PS
123					PS
124					PS
125					PS
126					PS
127					PS
128					PS
129					PS
130					PS
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132					PS
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134					PS
135					PS
136					PS
137					PS
138					PS
139					PS
140					PS
141	↓	↓	↓	↓	PS
142	PHOTOGRAPH	2/11/20	STP	2/11/20	PS



# EXHIBIT(S) LIST

VS.

## STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
143	PHOTOGRAPH	2/11/20	STP	2/11/20	AB
144	↑	↑	↑	↑	AB
145					AB
146					AB
147					AB
148					AB
149					AB
150					AB
151					AB
152					AB
153					AB
154					AB
155					AB
156					AB
157					AB
158					AB
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161					AB
162					AB
163					AB
164					AB
165					AB
166	↓	↓	↓	↓	AB
167	PHOTOGRAPH	2/11/20	STP	2/11/20	AB

# EXHIBIT(S) LIST

VS.

## STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
168	WITHDRAWN	WITHDRAWN			
169	PHOTOGRAPH	2/11/20	STP	2/11/20	PG
170	↑	↑	↑	↑	PG
171					PG
172					PG
173					PG
174					PG
175					PG
176					PG
177	↓	↓	↓	↓	PG
178	PHOTOGRAPH	2/11/20	STP	2/11/20	PG
179	WITHDRAWN	WITHDRAWN			
180	PHOTOGRAPH	2/11/20	STP	2/11/20	PG
181	↑	↑	↑	↑	PG
182					PG
183					PG
184					PG
185					PG
186					PG
187					PG
188					PG
189					PG
190					PG
191	↓	↓	↓	↓	PG
192	PHOTOGRAPH	2/11/20	STP	2/11/20	PG

# EXHIBIT(S) LIST

VS.

## STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
193	PHOTOGRAPH	2/11/20	STP	2/11/20	PR
194	↑	↑	↑	↑	PR
195					PR
196					PR
197					PR
198					PR
199					PR
200	↓				PR
201	PHOTOGRAPH				PR
202	PHOTO LINE-UP WITNESS INSTRUCTION				PR
203	6 PACK PHOTOGRAPH				PR
204	6 PACK PHOTOGRAPH				PR
205	PHOTOGRAPH				PR
206	↑				PR
207					PR
208					PR
209					PR
210					PR
211					PR
212					PR
213					PR
214					PR
215					PR
216	↓	↓	↓	↓	PR
217	PHOTOGRAPH	2/11/20	STP	2/11/20	PR

## EXHIBIT(S) LIST

**VS.**

## STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
218	PHOTOGRAPH	2/11/20	STP	2/11/20
219				
220				
221				
222				
223				
224				
225				
226				
227				
228				
229				
230				
231	PHOTOGRAPH	2/11/20	STP	2/11/20
232	LATENT PRINT EXAMINATION	2/12/20	STP	2/12/20
233	RESULTS, OPINIONS, INTERPRETATIONS	2/12/20	STP	2/12/20
234	DRAWING	2/12/20	NO	2/12/20
235	PHOTOGRAPH	2/13/20	NO	2/13/20
236	"	2/13/20	"	2/13/20
237	"	2/13/20	"	2/13/20
238	PHOTOGRAPH	2/13/20	NO	2/13/20
239	JUDGMENT OF CONVICTION C274598	2/13/20	NO	2/13/20
240	JUDGMENT OF CONVICTION C288886	2/13/20	NO	2/13/20

## EXHIBIT(S) LIST

Case No.: 0345584

Dept. No.: 6

Plaintiff: ST OF NEVADA

Trial Date: FEBRUARY 10, 2020

Judge: SACQUILINE BLUTH

Court Clerk: KEITH REED

Recorder: DE'AWNATAKAS

Counsel for Plaintiff:

VS.

Defendant: TED MICHAEL DONKO

LAURA GOODMAN + CHAD LEXIS

Counsel for Defendant:

ROBSON HAUSER + KAMBEZ SHAYGAN-  
FATEMI

## TRIAL BEFORE THE COURT

**DEFENDANT'S EXHIBITS**

[illegible]

# EXHIBIT(S) LIST

Case No.: C345584

Trial Date: FEBRUARY 10, 2020

Dept. No.: 6

Judge: JACQUELINE BLUTH

Plaintiff: ST. OF NEVADA

Court Clerk: KEITH REED

Recorder: JACQUELINE BLUTH

Counsel for Plaintiff: \_\_\_\_\_

vs.

Defendant: TED MICHAEL DONKO

LAURA GOODMAN + CHAD LEXIS

Counsel for Defendant: \_\_\_\_\_

ROBSON HAUSER + KAMBIZ SHAYGAN-  
FATEMI

## TRIAL BEFORE THE COURT

### COURT'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	JUROR QUESTION			2/11/20	PS
2	JUROR QUESTION			2/12/20	PS
3	JUROR QUESTION			2/12/20	PS
4	JUROR QUESTION			2/12/20	PS
5	JUROR QUESTION			2/12/20	PS
6	" "			2/12/20	PS
7	" "			2/12/20	PS
8	JUROR QUESTION			2/12/20	PS
9	JUROR QUESTION			2/12/20	PS
10	JUROR QUESTION			2/13/20	PS
11	"			2/13/20	PS
12	"			"	PS
13	"			"	PS
14	JUROR QUESTION			2/13/20	PS

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; AMENDED JUDGMENT OF CONVICTION (JURY TRIAL); DISTRICT  
COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

TED MICHAEL DONKO,

Defendant(s).

Case No: C-19-345584-1

Dept No: VI

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 3 day of June 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk