IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Feb 07 2022 11:06 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

CHRISTOPHER TRUSCA,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

Supreme Court Case No. 83853

UNOPPOSED MOTION TO CONSOLIDATE APPEALS

COMES NOW, Appellant Christopher Trusca, by and through his counsel, Jamie Resch, Esq., and moves this Honorable Court, pursuant to NRAP 3, to consolidate this appeal with the later filed appeal involving the same parties which is #84183.

DATED this 7th day of February, 2022.

RESCH LAW, PLLC d/b/a Conviction Solutions

By: */ s / Jamie J. Resch*
JAMIE J. RESCH
Attorney for Appellant

Docket 83853 Document 2022-04046

DECLARATION OF JAMIE RESCH

1. I, JAMIE J. RESCH, am a duly licensed attorney in the State of Nevada, and am the attorney of record for the Appellant Christopher Trusca in the above entitled case as well as in case #84183.

2. In District Court, Trusca was sentenced to prison following a plea of guilty to a Category B felony. A notice of appeal from the conviction and sentence was filed and assigned case number 83853. After sentencing, a motion to modify sentence was filed. When the written order from that denial was filed, a notice of appeal was filed from it and assigned case number 84183.

3. Separate appeals arising out of one district court action that involve identical issues and/or parties are strong candidates for consolidation. O'Guinn v. State, 118 Nev. 849, 851, 59 P.3d 488 (2002). Here, the parties are the same, and the appeals both arise in the context of a guilty plea. It is anticipated the record/appendix would be identical in both appeals.

4. The issues are also really similar, if not the same, in that they involve alleged sentencing errors. While there may be a slight difference in how those errors are presented, such as by way of direct appeal, contrasted with an appeal from the denial of the motion to modify sentence, the underlying issues in both instances are the same. Mr. Trusca expects to explain that his sentencing was improper because it was not held in person, and that the State and/or district court relied on materially untrue information at the time of sentencing.

5. Consolidation will therefore save the Court and parties time, and is practicable because the issues are the same, and any variance in how those issues are reached can be accounted for well within the existing word limits for an opening brief.

6. Declarant has communicated about this motion with John Afshar, counsel for the State, who indicated he had no opposition to the request for consolidation.

7. As a result, Mr. Trusca asks this Court to consolidate this appeal with the later filed appeal which is #84183.

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

DATED and EXECUTED this 7th day of February, 2022.

Respectfully submitted,

RESCH LAW, PLLC d/b/a Conviction Solutions

By: */ s / Jamie J. Resch*

JAMIE J. RESCH
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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on the 7th day of February, 2022.

Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

STEVEN WOLFSON
Clark County District Attorney
Counsel for Respondent

AARON FORD
Nevada Attorney General

By: /s/ Jamie Resch
An Employee of RESCH LAW, PLLC
d/b/a Conviction Solutions