

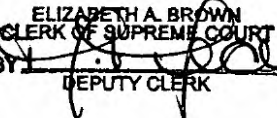
IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 85261

**FILED**

APR 21 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*

This is a pro se appeal from a district court order denying a postconviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Carolyn Ellsworth, Senior Judge.<sup>1</sup>

Appellant Ted Michael Donko argues that the district court abused its discretion in denying his petition without appointing counsel. We agree. *See* NRS 34.750(1). Donko's petition indicated that he had difficulty understanding the proceedings because of a learning disability. Donko received a significant sentence, and this was his first petition challenging his judgment of conviction and was accompanied by a certification of indigency. Therefore, we conclude that the district court abused its discretion when it denied Donko's request for counsel. *See id*; *Renteria-Novoa v. State*, 133 Nev. 75, 76, 391 P.3d 760, 760-61 (2017). Accordingly, we

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<sup>1</sup>Senior Judge Ellsworth orally denied the petition and directed the State to prepare the findings of fact and conclusions of law. Senior Justice Mark Gibbons subsequently signed the written order.

ORDER the judgment of the district court REVERSED AND  
REMAND this matter to the district court for proceedings consistent with  
this order.

Stiglich, C.J.  
Stiglich

Lee, J.  
Lee

Bell, J.  
Bell

cc: Chief Judge, Eighth Judicial District Court  
Department 17, Eighth Judicial District Court  
Ted Michael Donko  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk