

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT ARDEN SCHIELD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52840

FILED

OCT 07 2009

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of driving under the influence. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge. The district court sentenced appellant Robert Arden Schield to serve a prison term of 26 to 100 months.

Several months prior to his trial, and while he was represented by counsel, Schield filed, in proper person, a note in the district court. The note was written on an inmate request form and requested information about obtaining a new public defender. Although the note appears on its docket sheet, the record before this court does not indicate that the district court took any action with regard to the note or that Schield ever subsequently mentioned the note.

Schild contends that the district court abused its discretion by failing to hold a hearing regarding his request for new counsel. Schild relies entirely on this court's decision in Young v. State, 120 Nev. 963, 968-69, 102 P.3d 572, 576 (2004), where we announced the factors used to review the denial of a motion for new counsel. In relying on Young, Schild necessarily assumes that the district court denied his request.

However, the district court did not deny the request, but rather took no action on it. Thus, Schield's reliance on Young is misplaced. Moreover, we conclude that the district court did not err by taking no action on the note. Although documents filed in proper person should be liberally construed, Schield did not allege a conflict with his attorney or specifically request a new attorney. We note that, during jury selection, Schield told the district court that his counsel had "done very well," and never raised the matter again. We also note that, on appeal, Schield does not allege that any conflict with his counsel existed.

Having considered Schield's contention and concluded that it is without merit, we

ORDER the judgment of the district court AFFIRMED.

Cherry, J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

cc: Hon. Steven P. Elliott, District Judge
Washoe County Public Defender
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk