

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT MARTIN HENNESSY, III,

No. 35424

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

APR 26 2000

[Signature]
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of unlawful manufacture of a controlled substance. The district court sentenced appellant to serve twenty-eight (28) to seventy (70) months in the Nevada State Prison, to be served consecutively to the sentence in another case.¹

Appellant's sole contention is that the district court abused its discretion by denying appellant's motion for a continuance. We disagree.

It is well settled that the decision to grant or deny a request for a continuance is within the sound discretion of the district court. *McCabe v. State*, 98 Nev. 604, 607, 655 P.2d 536, 537 (1982); *Doleman v. State*, 107 Nev. 409, 416, 812 P.2d 1287, 1291 (1991). Absent a clear abuse of discretion, the decision of the trial court will not be disturbed. *Walker v. State*, 89 Nev. 281, 510 P.2d 1365 (1973).

¹The court also ordered appellant to pay a \$5,000 fine, a \$25.00 administrative fee, a \$60.00 chemical analysis fee, a \$500.00 attorney fee, and restitution in the amount of \$11,958.75.

After reviewing the documents submitted with this appeal, we conclude that appellant has failed to demonstrate that the district court abused its discretion. Accordingly, we ORDER this appeal dismissed.

Young J.
Young
Agosti J.
Agosti
Leavitt J.
Leavitt

cc: Hon. Steven R. Kosach, District Judge
Attorney General
Washoe County District Attorney
Mary Kandaras Petty
Washoe County Clerk