

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER WILKINSON,

No. 37073

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

MAR 05 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of attempted battery with substantial bodily harm. The district court sentenced appellant to a prison term of 12 to 48 months, and ordered appellant to pay restitution in the amount of \$10,477.20.

Appellant contends that the district court erred by denying his motion for a continuance at sentencing. Specifically, appellant argues that he should have been allowed time to secure the presence of Brenda Riggs. Appellant argues that Riggs could have testified that, contrary to the victim's testimony, she did not tell the victim that appellant planned the attack.

Riggs' statement was contained, however, in a letter that was read and considered by the district judge. The district judge concluded that having Riggs' live testimony would not add anything relevant to the sentencing hearing. "It is well settled that the granting of a motion to continue is within the sound discretion of the trial court."¹ Appellant has not demonstrated that the district court abused its discretion.

¹Doleman v. State, 107 Nev. 409, 416, 812 P.2d 1287, 1291 (1991).

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

ORDER the judgment of conviction AFFIRMED.

Young, J.
Young

Rose, J.
Rose

Becker, J.
Becker

cc: Hon. Jeffrey D. Sobel, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
Clark County Clerk