

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARC STEPHENS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 37257

FILED

APR 12 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Ruben*
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 sexual assault. The district court sentenced appellant to a prison term of 24 to 60 months, and ordered that appellant be given a special sentence of lifetime supervision.

Appellant appeared for sentencing on November 28, 2000. At that time, a disagreement arose as to whether the plea agreement allowed appellant to argue for probation. The signed agreement stated that appellant and the State agreed to a sentence of 2 to 5 years, and the State reserved the right to argue at the time of sentencing.

Because of the disagreement, sentencing was continued over appellant's objection so that a transcript of the entry of the plea could be prepared. After reviewing the transcript, the district court found that appellant was entitled to argue for probation. Sentencing was finally conducted on December 11, 2000, less than two weeks after the original sentencing date.

Appellant's sole contention is that he was denied his statutory right to be sentenced within a reasonable time. NRS 176.015(1) requires, in part, that "[s]entence must be imposed without unreasonable delay." Although the statute does not provide a definition for "unreasonable delay," we conclude that a continuance of less than two weeks to allow for preparation of a transcript is not unreasonable. Moreover, appellant has failed to show that he was prejudiced by the delay, particularly in light of the fact that he was allowed to argue for probation,

and was given credit for all time served while he was in custody.¹

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

ORDER the judgment of conviction AFFIRMED.

Young, J.
Young

Leavitt, J.
Leavitt

Becker, J.
Becker

cc: Hon. John S. McGroarty, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
Clark County Clerk

¹Cf. State v. Fain, 105 Nev. 567, 569, 779 P.2d 965, 966 (1989) (where accused argues a violation of his right to speedy trial, prejudice is the paramount concern).