

IN THE SUPREME COURT OF THE STATE OF NEVADA

LARRY FIELDS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 37261

FILED

JUL 10 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of assault with a deadly weapon. The district court sentenced appellant to a prison term of 12 to 48 months, and ordered appellant to pay a fine in the amount of \$1,000.00.

Appellant contends that the district court erred by denying appellant's motion to continue the sentencing hearing because appellant had not completed a presentence interview.

The granting of a motion to continue is within the sound discretion of the district court.¹ Absent the showing of a clear abuse of discretion, the decision of the trial court will not be disturbed.² The record in the instant case does not reveal an abuse of discretion. Appellant was out of custody from November 11, 2000, until the date of sentencing, December 7, 2000. The district court had evidence before it showing that appellant failed to contact the Department of Parole and Probation for an interview. There is no abuse of

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

²Walker v. State, 89 Nev. 281, 284, 510 P.2d 1365, 1367 (1973).

discretion in denying a motion to continue where a defendant has ample time to prepare and fails to do so.³

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. Donald M. Mosley, District Judge
Attorney General
Clark County District Attorney
Jose C. Pallares
Clark County Clerk

³See Rogers v. State, 101 Nev. 457, 465, 705 P.2d 664, 670 (1985).