

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TERESA SHERWOOD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 80724-COA

**FILED**

**DEC 11 2020**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Teresa Sherwood appeals from a judgment of conviction entered pursuant to a guilty plea of exploitation of an older person and forgery. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Sherwood argues the district court abused its discretion by denying her motion to continue the sentencing hearing and appoint substitute counsel. "This court reviews the district court's decision regarding a motion for continuance for an abuse of discretion." *Rose v. State*, 123 Nev. 194, 206, 163 P.3d 408, 416 (2007). "Each case turns on its own particular facts, and much weight is given to the reasons offered to the trial judge at the time the request for a continuance is made." *Higgs v. State*, 126 Nev. 1, 9, 222 P.3d 648, 653 (2010). This court also reviews a district court's denial of a defendant's request to substitute counsel for an abuse of discretion. *Young v. State*, 120 Nev. 963, 968, 102 P.3d 572, 576 (2004). In conducting our review of the denial of a request for substitute counsel, we consider the extent of any conflict, the adequacy of the district

court's inquiry, and the timeliness of a defendant's motion. *Id.* at 968-69, 102 P.3d at 576.

At the sentencing hearing, Sherwood's counsel noted that Sherwood had recently received the presentence investigation report (PSI) and that Sherwood may want to withdraw her guilty plea based on her statement in the PSI indicating she had been forced to plead guilty. For those reasons, counsel moved to continue the sentencing hearing and requested the appointment of substitute counsel to ascertain whether Sherwood should move to withdraw her guilty plea.


The district court questioned Sherwood personally about whether she wished to continue the sentencing hearing in order to talk to an attorney about withdrawing her guilty plea. In response, Sherwood informed the district court that she did not want to withdraw her guilty plea, but rather initially believed that her counsel had not been prepared for the sentencing hearing. Sherwood clarified that she wished to be sentenced so that she could put this matter behind her. Based on Sherwood's statements to the district court, counsel acknowledged that the sentencing hearing should not be continued. Following Sherwood's statements, the district court denied the motion to continue the sentencing hearing and appoint substitute counsel.

The record demonstrates the district court appropriately inquired into these issues and decided to proceed to the imposition of sentence. Based on the record, we conclude Sherwood did not demonstrate the district court abused its discretion by denying her motion to continue

the sentencing hearing and appoint substitute counsel. Therefore, we conclude Sherwood is not entitled to relief, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Valerie Adair, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk