IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JODY HUNT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65481

FILED
JAN 2 1 2015
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a jury verdict of coercion. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

Appellant Jody Hunt claims that the district court erred by denying his motions to continue trial. We review a district court's decision regarding a motion for continuance for an abuse of discretion. *Wesley v. State*, 112 Nev. 503, 511, 916 P.2d 793, 799 (1996). "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. ___, ___, 222 P.3d 648, 653 (2010). "However, if a defendant fails to demonstrate that he was prejudiced by the denial of the continuance, then the district court's decision to deny the continuance is not an abuse of discretion." *Id.*

The record reveals that Hunt's trial was advanced from March 24, 2014, to March 10, 2014, when the case was reassigned to District Judge Elissa Cadish. On March 3, 2014, Judge Cadish asked the parties if they were prepared for to trial. Defense counsel said that they were waiting on some reports from their investigator and they had some calendaring issues, but Hunt wanted to get the matter resolved. They

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asked if the trial could be continued until the week of March 17, 2014, but the judge's criminal stack ended that week, they were unable to find compatible openings in their calendars for later on, and the overflow judge had recused himself from the case. The matter was put off for a couple of days.

On March 5, 2014, Judge Cadish announced that District Judge Jerry Wiese would try the case on Monday. Defense counsel renewed the motion to continue, arguing that they had just finished a trial yesterday, they would feel more comfortable with their services to Hunt if they had more time to start, and they had a conflict on Monday. Judge Cadish denied the motion, observing, "I understand that you were in trial until yesterday but it's Wednesday and this case doesn't start until next Monday and you had told me that you could be ready to go next week otherwise we were looking at a substantial continuance."

On March 10, 2014, Hunt informed Judge Wiese that he was not prepared to go to trial and the judge asked defense counsel to make a representation. Counsel stated that they had worked on Hunt's case for some time, they had obtained a continuance over Hunt's objection so that an investigator could look into facts that were brought to their attention, and that their investigation did not uncover anything that would assist in the defense of the case. Counsel further stated that they had informed Judge Cadish of their scheduling difficulties, that Hunt brought up something else that the investigator could check to assist in his defense, and that they made a record in Judge Cadish's court. Counsel asserted that they made sure that they were ready for trial, worked with the State on jury instructions and some pretrial matters, and made arrangements to have clothing delivered to Hunt at the jail. And counsel explained that

Hunt was emphatic that there was some other information that would be helpful and should be investigated. Judge Wiese determined that the circumstances had not changed since Judge Cadish made her ruling on Wednesday and denied the motion to continue trial.

Based on this record, and the fact that Hunt has not demonstrated any prejudice arising from the denial of his motions to continue, we conclude that the district court did not abuse its discretion in this regard, and we

ORDER the judgment of conviction AFFIRMED.

_____, C.J.
Gibbons

_____, J.
Tao

_____, J.
Silver

cc: Hon. Jerry A. Wiese, District Judge
Travis E. Shetler
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk