

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANA PADUA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59312

FILED

MAR 07 2012

TRACIE K. LINDEMAN
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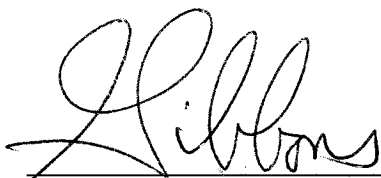
ORDER OF AFFIRMANCE

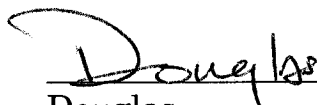
This is an appeal from a district court order revoking probation. Second Judicial District Court, Washoe County; Deborah A. Agosti, Senior Judge.

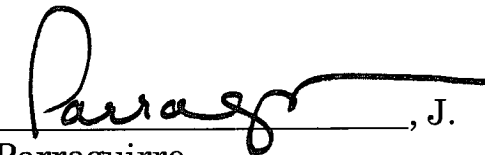
Appellant's sole issue on appeal is that the district court abused its discretion by denying her motion to substitute counsel. On the morning of her probation revocation hearing, appellant presented the district court with a motion to substitute counsel, having secured counsel to represent her on the matter. Counsel asked for an indefinite continuance, requesting that the revocation hearing resume when the district judge assigned to the matter returned from a lengthy illness. The district court declined that request because the date of the judge's return was unknown. The district court offered counsel a two-week continuance. Asserting that two weeks was insufficient, counsel suggested that the district court deny the motion to substitute counsel. After some discussion, the district court advised counsel that it would grant a three-week continuance but that anything longer "would be unreasonable to the interests of getting this case decided in an expedient manner." Counsel represented that a three-week continuance was insufficient, and the district court denied the motion to substitute counsel.

Generally, a non-indigent criminal defendant has a Sixth Amendment right to be represented by counsel of their own choice. Ryan v. Dist. Ct., 123 Nev. 419, 427, 168 P.3d 703, 708 (2007). “[W]here a non-indigent criminal defendant’s choice of counsel threatens to interfere with the administration of justice, the district court must carefully balance the defendant’s Sixth Amendment right to be represented by counsel of her choosing against the court’s interest in the orderly administration of justice.” Id. The district court is afforded broad discretion in balancing those interests, with the caveat that “there is a strong presumption in favor of a non-indigent criminal defendant’s right to counsel of her own choosing.” Id. at 428, 168 P.3d at 709. Here, despite the district court’s willingness to grant a three-week continuance, counsel requested what amounted to an indefinite delay of the probation revocation proceeding. Such a demand significantly interfered with the administration of justice in this matter, and we conclude that the district court did not abuse its discretion by denying appellant’s motion to substitute counsel. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Parraguirre

cc: Chief Judge, The Second Judicial District Court
Hon. Deborah A. Agosti, Senior Justice
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk