

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TIFFANY DANIELLE DAWSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 65863

**FILED**

**MAR 17 2015**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of burglary. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Appellant claims that the district court erred by denying her motion to continue sentencing because she was not prepared to rebut the allegations that her codefendant made during the heated motion hearing that preceded her sentencing.

We review a district court's decision to grant or deny a motion for a 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. \_\_\_, \_\_\_, 222 P.3d 648, 653 (2010). "However, if a defendant fails to demonstrate that [she] 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.*

Here, appellant moved to continue sentencing after a hearing on her codefendant's motion. She claimed that the testimony about her

that was presented during the hearing made her feel uncomfortable, and she indicated that she would prefer to be sentenced by a different judge. The district court stated that the only thing that had changed was that codefendant's motion to withdraw his guilty plea had been denied, and the district court reiterated that it found the codefendant's testimony to be incredible. Based on this record, we conclude that appellant has failed to demonstrate that the court abused its discretion by denying her motion for a continuance.


Appellant also claims that the district court erred by sentencing her to a prison term of 4 to 10 years—the maximum sentence for burglary—because the district court's sentencing decision was made after hearing her codefendant's allegations that she was high on methamphetamine at the time of the offense and the prosecutor's comments regarding the robbery charges that were pending against her in California.

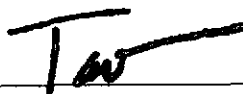
We review a district court's sentencing decision for abuse of discretion. *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). A sentencing “court is privileged to consider facts and circumstances which clearly would not be admissible at trial.” *Silks v. State*, 92 Nev. 91, 93-94, 545 P.2d 1159, 1161 (1976). However, we “will reverse a sentence if it is supported *solely* by impalpable and highly suspect evidence.” *Denson v. State*, 112 Nev. 489, 492, 915 P.2d 284, 286 (1996).

Here, the district court found the codefendant to be incredible, expressly declined to consider the prosecutor's comments regarding pending charges, and imposed a sentence that falls within the limits set forth by the relevant statute. *See* NRS 205.060(2). Based on this record,

we conclude that appellant has failed to demonstrate that the district court abused its discretion at sentencing.

Having concluded that appellant is not entitled to relief, we  
ORDER the judgment of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Silver

cc: Second Judicial District Court, Dept. 6  
Washoe County Alternate Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk