


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTOPHER NEALSON COSTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79188-COA

FILED

AUG 10 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Christopher Neilson Coston appeals from a judgment of conviction entered pursuant to a guilty plea of trafficking in a schedule 1 controlled substance. First Judicial District Court, Carson City; James E. Wilson, Judge.

First, Coston claims the district court abused its discretion by finding he had not rendered substantial assistance. He argues that he provided information that enabled the Special Enforcement Team (SET) deputies to obtain a warrant for an apartment room where drug trafficking was occurring, which led to several other arrests. He also argues that he provided information that the drug trafficking activities in Carson City were tied to larger drug trafficking activities in Reno and that he would be able to provide names, dates, and places. And he further argues that even if he only corroborated information that was already known, the corroboration was "critical to securing reliable information."

NRS 453.3405(2) provides the district court may reduce or suspend the sentence of any person convicted of trafficking in a controlled

substance “if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense.” NRS 453.3405(3) provides a list of factors the district court may consider, without limitation, when deciding whether a sentence suspension or reduction is appropriate. We review the district court’s decision whether or not to grant a sentence suspension or reduction for an abuse of discretion. *Parrish v. State*, 116 Nev. 982, 991, 12 P.3d 953, 958 (2000).

Here, the district court conducted an evidentiary hearing on Coston’s motion and made the following findings on the record. Coston told the SET deputies he had been selling drugs to the people in the apartment. His information corroborated what the deputies already knew about the apartment. His information was useful to the extent that it ensured the deputies could obtain a warrant for the apartment. His information was timely and appeared to be truthful and reliable. However, his “information was for a downstream person in the distribution chain, not an upstream provider.”

The district court further found there is no evidence that any law enforcement agencies acted on Coston’s information about being connected with people who were selling pound-sized amounts of drugs in Reno. There was no evidence supporting Coston’s argument that people in prison believed he had provided substantial evidence. And the nature and extent of Coston’s assistance was limited at best and did not give rise to evidence of substantial assistance.

The district court’s findings are supported by the record on appeal and are consistent with the factors enumerated in NRS 453.3405(3).

Therefore, we conclude the district court did not abuse its discretion by denying Coston's motion to suspend or reduce sentence.

Second, Coston claims the district court abused its discretion by denying the parties' request for a continuance. He argues the district "court should have allowed the parties to flesh out the evidence" and "doing so would have given the court the added facts to further support [his] motion [to suspend or reduce sentence]."

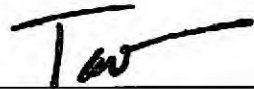
We review a district court's decision to grant or deny a motion for a continuance for an abuse of discretion. *Higgs v. State*, 126 Nev. 1, 9, 222 P.3d 648, 653 (2010). "Each case turns on its own particular facts, and much weight is given to the reasons offered to the trial judge at the time the request for a continuance is made." *Id.* "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.*

Here, the record demonstrates that the State sought a continuance because Coston's motion did not reference anything that could be refuted, confirmed, or denied. Defense counsel agreed with the State's request, asserted that the search warrant and testimony had not been available before that morning, and asked to be allowed to file a renewed motion with factual allegations and a record of the testimony. The district court stated "I have got the facts now" and denied the request for a continuance. Counsel did not claim Coston would be prejudiced if the request was denied, and the instant appeal does not demonstrate Coston was prejudiced by the denial of the request. Given this record, we conclude

the district court did not abuse its discretion by denying the parties' request for a continuance.

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


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. James E. Wilson, District Judge
Richard P. Davies
Attorney General/Carson City
Carson City District Attorney
Carson City Clerk