

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN WILLIAM WOODBRIDGE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 46318

**FILED**

**MAR 27 2006**

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. E. Egan*  
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of possession of stolen property. First Judicial District Court, Carson City; William A. Maddox, Judge. The district court sentenced appellant John William Woodbridge to serve a prison term of 18 to 60 months. The district court further ordered the sentence suspended and placed Woodbridge on probation for a period not to exceed 5 years. As a special condition of probation, Woodbridge was ordered to serve the first 60 days in jail on top of the 36 days already served. Woodbridge was also ordered to pay restitution in the amount of \$3,126.75.

Woodbridge's sole contention on appeal is that the district court's award of restitution is not supported by sufficient evidence. "Restitution under NRS 176.033(1)(c) is a sentencing determination. On appeal, this court generally will not disturb a district court's sentencing determination so long as it does not rest upon impalpable or highly suspect evidence."<sup>1</sup>

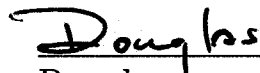
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<sup>1</sup>Martinez v. State, 115 Nev. 9, 12-13, 974 P.2d 133, 135 (1999).

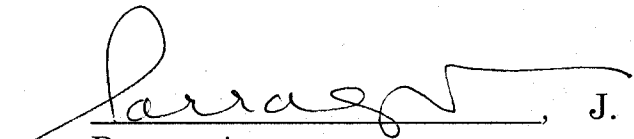
Here, the victim testified that he began collecting tools in 1972 and that he had thousands of them. The only way he could determine how many tools were not recovered was through estimation. Based on profit and loss reports, tax returns, and a bank loan in which his tools were used as collateral, the victim estimated that he owned \$52,000.00 worth of tools. 40 percent of these tools were hand tools, which he valued at \$20,845.00. The victim estimated that the police recovered 85 percent of his hand tools from Woodbridge's storage unit, and that the remaining 15 percent constituted a \$3,126.75 loss. The victim acknowledged that on an annual basis he lost 1 to 5 percent of his tools.

Woodbridge does not challenge the amount of restitution, just the evidence used to calculate the award.<sup>2</sup> We conclude that the district court relied upon evidence that was reasonably reliable and accurate to set restitution.<sup>3</sup> Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Parraguirre

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<sup>2</sup>See *id.* at 13, 974 P.2d at 135 (declining to disturb the district court's restitution determination where appellant did not challenge the amount of restitution).

<sup>3</sup>*Id.*

cc: Hon. William A. Maddox, District Judge  
State Public Defender/Carson City  
Attorney General George Chanos/Carson City  
Carson City District Attorney  
Carson City Clerk