

IN THE SUPREME COURT OF THE STATE OF NEVADA

RHONDA DENISE CARVER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47571

FILED

NOV 13 2006

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

ORDER AFFIRMING IN PART, VACATING IN PART, AND
REMANDING

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of grand larceny. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. The district court sentenced appellant Rhonda Denise Carver to serve a prison term of 24 to 60 months and ordered her to pay restitution in the amount of \$9,000.00.

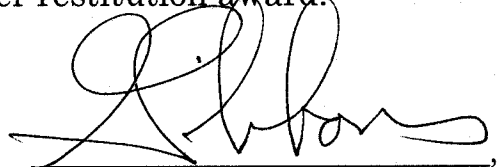
Carver's sole contention on appeal is that the district court's award of restitution is not supported by sufficient evidence. A district court retains the discretion "to consider a wide, largely unlimited variety of information to insure that the punishment fits not only the crime, but also the individual defendant."¹ A district court, however, must rely on reliable and accurate information in calculating a restitution award.² Here, the district court based its restitution award on the victim's unsupported statement that she "discovered that they had stolen approximately \$9,000 in jewelry and cash." We conclude that the victim's

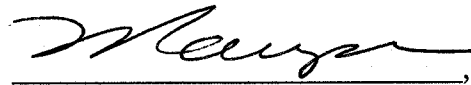
¹Martinez v. State, 114 Nev. 735, 738, 961 P.2d 143, 145 (1998).

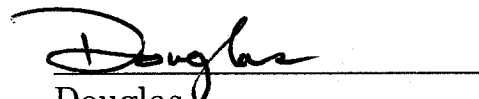
²Martinez v. State, 115 Nev. 9, 13, 974 P.2d 133, 135 (1999).

impact statement with nothing more is not a reasonable basis for calculating a restitution award and therefore the restitution award must be vacated. Accordingly, we

ORDER the judgment of the district court AFFIRMED IN PART AND VACATED IN PART AND REMAND this matter to the district court to calculate a proper restitution award.


_____, J.
Gibbons


_____, J.
Maupin


_____, J.
Douglas

cc: Hon. Steven R. Kosach, District Judge
Washoe County Public Defender
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk