

IN THE SUPREME COURT OF THE STATE OF NEVADA

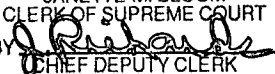
CHARLES EVERETT REINS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48337

**FILED**

**MAR 08 2007**

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of gross misdemeanor conspiracy to commit the crime of violating an extended protection order. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. The district court sentenced appellant Charles Everett Reins to a jail term of 12 months and then suspended execution of the sentence, placing him on probation for an indeterminate period not to exceed 3 years.

Reins contends that the district court erred by imposing restitution for an uncharged offense. Reins argues that the district court "lost sight of his task to determine if there was a legal basis for the restitution" and imposed restitution for a broken window based on its disparaging view of Reins.

A defendant may be ordered to pay restitution only for losses arising from "an offense that he has admitted, upon which he has been found guilty, or upon which he has agreed to pay restitution."<sup>1</sup> Although

<sup>1</sup>Erickson v. State, 107 Nev. 864, 866, 821 P.2d 1042, 1043 (1991); see also NRS 176.033(1)(c) ("If a sentence of imprisonment is required or  
*continued on next page . . .*

the restitution was imposed for an uncharged offense, counsel for Reins failed to object. In fact, counsel for Reins invited the error by stating:

[The victim is] asking that Mr. Reins be responsible for fixing that window at a cost of \$217.00. We believe that that is not covered by the negotiations; however, in the interests of putting this behind us and letting these parties go their separate ways, we will leave that up to the discretion of the district court.

"[A] party will not be heard to complain on appeal of errors which he himself induced or provoked the court or the opposite party to commit."<sup>2</sup> The invited error doctrine applies whether the complaining party expressly or impliedly contributes to the error.<sup>3</sup> Counsel for Reins impliedly contributed to the error by acknowledging that the restitution was not part of the plea bargain but that, in order to resolve the case, Reins would leave the imposition of restitution up to the district court. Accordingly, Reins may not be heard to complain that the district court erred by imposing restitution.<sup>4</sup>

---

*... continued*

permitted by statute, the court shall: . . . [i]f restitution is appropriate, set an amount of restitution for each victim of the offense.”).

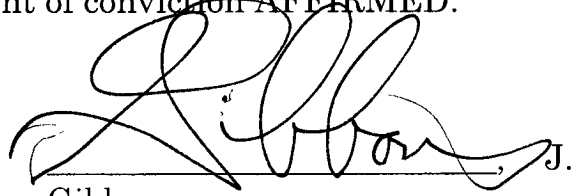
<sup>2</sup>Pearson v. Pearson, 110 Nev. 293, 297, 871 P.2d 343, 345 (1994) (quoting 5 Am. Jur. 2d, Appeal and Error § 713, pp. 159-60 (1962)).

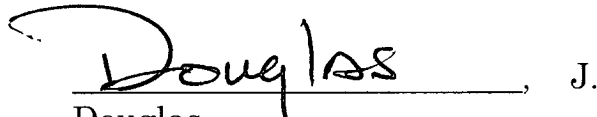
<sup>3</sup>Id.

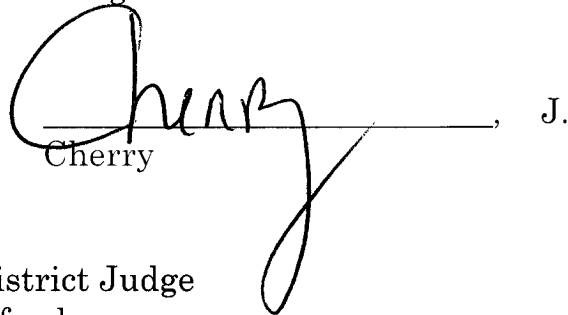
<sup>4</sup>To the extent that Reins argues that the district court abused its discretion in calculating restitution, we disagree. The restitution order was based on reliable and accurate evidence presented at the sentencing hearing. See Martinez v. State, 115 Nev. 9, 13, 974 P.2d 133, 135 (1999).

Having considered Reins' contention and concluded that it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

  
Gibbons, J.

  
Douglas, J.

  
Cherry, J.

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