

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT ANDREW WHITE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 49268

**FILED**

SEP 11 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of unlawful taking of a motor vehicle. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. The district court sentenced appellant Scott Andrew White to a jail term of 12 months, suspended execution of the sentence, placed him on probation for an indeterminate period not to exceed 24 months, and ordered him to pay \$3,482.04 in restitution.<sup>1</sup>

White contends that the district court erred in its determination of the restitution award. Specifically, White objects to the portion of the restitution award equal to the estimated repair costs, \$2,887.79, and denies any responsibility for the damage to the vehicle.

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<sup>1</sup>We note that there is an error in the judgment of conviction. The judgment orders White to pay restitution "jointly and severally with co-defendants." There are no codefendants in this case, therefore, following this court's issuance of its remittitur, the district court shall correct this error in the judgment of conviction. See NRS 176.565 (providing that clerical error in judgments may be corrected at any time); Buffington v. State, 110 Nev. 124, 126, 868 P.2d 643, 644 (1994) (explaining that district court does not regain jurisdiction following an appeal until supreme court issues its remittitur).

White does, however, acknowledge responsibility for paying the towing and storage costs of the vehicle, \$594.25.

"[A] defendant may be ordered to pay restitution only for an offense that he has admitted, upon which he has been found guilty, or upon which he has agreed to pay restitution."<sup>2</sup> 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."<sup>3</sup> A district court, however, must rely on reliable and accurate information in calculating a restitution award.<sup>4</sup> Absent an abuse of discretion, "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>5</sup>

We conclude that the State provided a sufficient basis supporting the restitution award. At the sentencing hearing, the victim was present, made an impact statement, and provided the district court with an estimate from a Honda dealership detailing the repair costs, and a receipt for the towing and storage costs; the amount totaled \$3,482.04. The prosecutor also asked the district court to impose restitution for the damage to vehicle. Additionally, the formal guilty plea agreement, signed

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<sup>2</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 permitted by statute, the court shall: . . . [i]f restitution is appropriate, set an amount of restitution for each victim of the offense.").

<sup>3</sup>Martinez v. State, 114 Nev. 735, 738, 961 P.2d 143, 145 (1998).

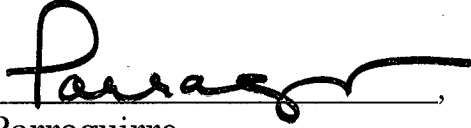
<sup>4</sup>See Martinez v. State, 115 Nev. 9, 13, 974 P.2d 133, 135 (1999).

<sup>5</sup>Id. at 12-13, 974 P.2d at 135.


by White, stated that he would "make full restitution in this matter, as determined by the Court." Therefore, we conclude that the district court did not abuse its discretion in its determination of the restitution award.

Having considered White's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

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

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Saitta

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