

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARTIN ROBERT RINNE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50012

FILED

DEC 10 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of gross misdemeanor destruction to property. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. The district court sentenced appellant Martin Robert Rinne to a jail term of 12 months, but then suspended execution of the sentence and placed Rinne on probation for a time period not to exceed 18 months. As a condition of probation, the district court ordered Rinne to pay restitution in the amount of \$1,935.

Rinne contends that the district court erred in imposing \$1,935 in restitution. In particular, Rinne argues that the restitution ordered exceeded the damage anticipated by the parties, and that he never received notice in the charging document or in the police report that he was going to be subject to restitution for damage to the front end of the victim's vehicle. We conclude that Rinne's contention lacks merit.

"[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.”¹ NRS 176A.430(1) authorizes restitution as a condition of probation “in appropriate circumstances.”² This court has held that the district court has broad discretionary powers, which are liberally construed, to impose restitution as a condition of probation.³ A district court, however, must rely on reliable and accurate information in calculating a restitution award.⁴ 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.”⁵

In the instant case, we conclude that the district court acted within its broad discretion in imposing \$1,935 in restitution as a condition of probation. In the written plea agreement, Rinne agreed to make full restitution, as determined by the court. At the sentencing hearing, the victim described the damage caused to his vehicle in the altercation with Rinne and provided the district court with written estimates totaling \$1,935 to repair the vehicle. Defense counsel questioned the victim regarding the front end damage to the vehicle, and the victim explained that the vehicle was damaged as he tried to escape from Rinne. The

¹Erickson v. State, 107 Nev. 864, 866, 821 P.2d 1042, 1043 (1991).

²NRS 176A.400(1)(a) states that “[i]n issuing an order granting probation, the court may fix the terms and conditions thereof, including, without limitation . . . [a] requirement for restitution.”

³See Igbinovia v. State, 111 Nev. 699, 710, 895 P.2d 1304, 1311 (1995); Korby v. State, 93 Nev. 326, 565 P.2d 1006 (1977).


⁴Martinez v. State, 115 Nev. 9, 13, 974 P.2d 133, 135 (1999).

⁵Id. at 12-13, 974 P.2d at 135.

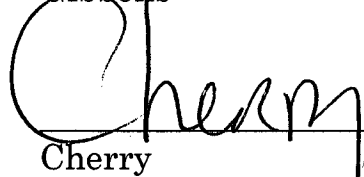
district court expressly found that the victim's explanation of the vehicle's damage was credible. Accordingly, the district court did not abuse its discretion in ordering him to pay \$1,935 in restitution to the victim.

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

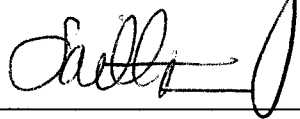
ORDER the judgment of conviction AFFIRMED.


_____, J.

Gibbons


_____, J.

Cherry


_____, 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