

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEANNE MICHELLE CONROY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 50021

**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, entered pursuant to a guilty plea, of one count of theft. Fourth Judicial District Court, Elko County; J. Michael Memeo, Judge. The district court sentenced appellant Deanne Michelle Conroy to serve a prison term of 18 to 72 months and ordered her pay \$53,783 in restitution.

Conroy contends that the district court erred in calculating the restitution award. Conroy observes that her bank records show that the deposits made to her account from Elko County's bank account totaled \$53,783, whereas Elko County's bank records show that the deposits made to her account totaled only \$36,389. Conroy claims that there is no evidence that the County lost more than \$36,389, and she argues that the district court improperly inferred that she "had somehow learned how to manipulate the system so that a deposit into her account was actually greater than the amount shown to have been withdrawn from the County account." We disagree.

"[A] defendant may be ordered to pay restitution only for an offense that [she] has admitted, upon which [she] has been found guilty, or

upon which [she] has agreed to pay restitution.”<sup>1</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>2</sup> A district court, however, must rely on reliable and accurate information in calculating a restitution award.<sup>3</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>4</sup>

During the sentencing hearing, Conroy's and Elko County's bank records were admitted into evidence. Elko County District Attorney's Office employee Georgia Jordan testified that she examined these bank records. Jordan determined that \$53,783 originating from Elko County and not including payroll deductions had been deposited in Conroy's bank account. However, when Jordan tried to match withdrawals from the County's bank account with deposits made in Conroy's bank account she found exact dollar matches totaling only \$36,389. The spreadsheets that Jordan produced while examining the bank records were admitted into evidence.

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

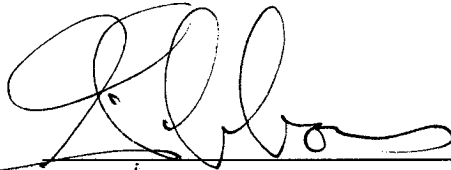
<sup>2</sup>Martinez v. State, 114 Nev. 735, 738, 961 P.2d 143, 145 (1998).

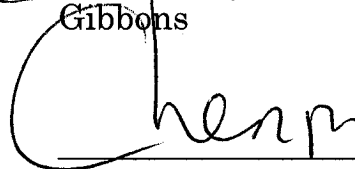
<sup>3</sup>See Martinez v. State, 115 Nev. 9, 13, 974 P.2d 133, 135 (1999).


<sup>4</sup>Id. at 12-13, 974 P.2d at 135.

The district court specifically asked Jordan if the spreadsheet entitled "total deposits from Elko County other than payroll deposits to Ms. Conroy's personal account" indicated that \$53,783 was transferred from Elko County's bank account to Conroy's bank account. Jordan responded "yes." Thereafter, the district court determined that the \$53,783 depicted in this spreadsheet accurately represented the amount of money owed to Elko County. Based on these facts, we conclude that the district court relied upon evidence that was reasonably reliable and accurate to set restitution. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Cherry

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

cc: Hon. J. Michael Memeo, District Judge  
Lockie & Macfarlan, Ltd.  
Attorney General Catherine Cortez Masto/Carson City  
Elko County District Attorney  
Elko County Clerk