

IN THE SUPREME COURT OF THE STATE OF NEVADA

JARED ALLEN KNIGHT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50888

FILED

JUL 23 2008

TRACIE A. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
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 one count of possession of stolen property. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge. The district court sentenced appellant Jared Allen Knight to serve a prison term of 12 to 30 months and ordered him to pay \$2,500 in restitution.

Knight contends that the district court's restitution award is not supported by competent evidence. The State agrees.

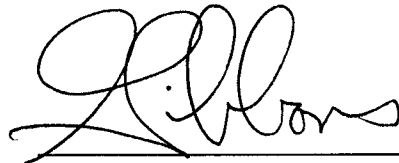
A district court retains the discretion "to consider a wide, largely unlimited variety of information to insure that the punishment fits not only the crime, but also the individual defendant."¹ A district court, however, must rely on reliable and accurate information in calculating a restitution award.²


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

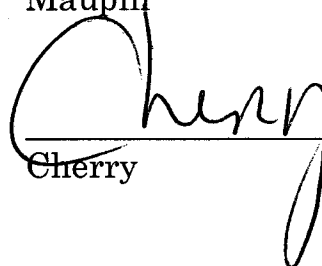
²Martinez v. State, 115 Nev. 9, 13, 974 P.2d 133, 135 (1999).

Here, the victim stated that her losses included a surveillance camera system, some locks, and a tool box and she “threw out a figure of one thousand dollars.” The State informed the district court that the victim had some receipts that would show approximately one thousand dollars in damages. However, over Knight’s objection, the district judge announced “I’m going to assess [the restitution] at \$2,500 because I can come down once I get the receipts.” The district court’s restitution award was not based on reliable and accurate information and therefore must be vacated. Accordingly, we

ORDER the judgment of conviction AFFIRMED IN PART AND VACATED IN PART, AND REMAND this matter to the district court for proceedings consistent with this order.


_____, C.J.
Gibbons


_____, J.
Maupin


_____, J.
Cherry

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