

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRUCE SCOTT OMAN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 57890

FILED

JUL 14 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

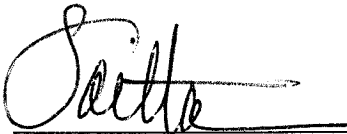
This is an appeal from an amended judgment of conviction. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Appellant Bruce Scott Oman claims that the district court abused its discretion by awarding \$559.98 in restitution because the amount was speculative and not supported by documentation. We conclude that the district court did not abuse its discretion because, as acknowledged by Oman's counsel at the restitution hearing, the amount awarded was established by valid testimony regarding the actual loss suffered by the victim. See Martinez v. State, 115 Nev. 9, 12-13, 974 P.2d 133, 135 (1999) (this court will not disturb a restitution award that is based on accurate and reliable evidence); Martinez v. State, 114 Nev. 735, 737-38, 961 P.2d 143, 145 (1998) (a sentencing determination will not be disturbed absent an abuse of discretion).

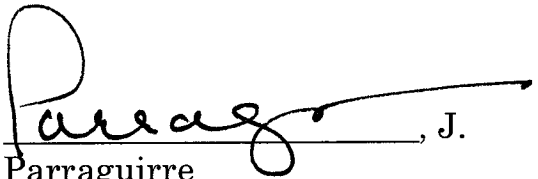
Oman also claims that the district court abused its discretion by denying his motion to reconsider his sentence. We lack jurisdiction to consider this claim because "no statute or court rule provides for an appeal from an order denying a motion for reconsideration." See Phelps v. State, 111 Nev. 1021, 1022, 900 P.2d 344, 345 (1995). To the extent Oman's

motion was construed as a motion to modify sentence, we conclude that the district court did not abuse its discretion by denying the motion because Oman failed to demonstrate that his sentence was based on a materially untrue assumption or mistake of fact regarding his criminal record that worked to his extreme detriment. See Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Accordingly, we

ORDER the amended judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Mary Lou Wilson
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk