

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRYSTAL BARRETT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59115

FILED

JUN 13 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Anderson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of attempted theft. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

Appellant Crystal Barrett's sole contention on appeal is that the district court's restitution award for two rings is not supported by sufficient evidence. "Restitution under NRS 176.033(1)(c) is a sentencing determination. On appeal, 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." Martinez v. State, 115 Nev. 9, 12-13, 974 P.2d 133, 135 (1999).

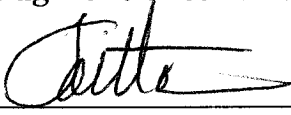
The district court conducted a restitution hearing during which the victim stated that his 2003 high school football championship ring was made of white gold and his 2004 college football championship ring was made of yellow gold. The victim also provided documentation regarding the high school ring and an invoice showing that his college ring was worth \$2,700.99.¹ Barrett's investigator stated that he talked with


¹Copies of the documentation and invoice were not included in the record on appeal. See Greene v. State, 96 Nev. 555, 558, 612 P.2d 686, 688
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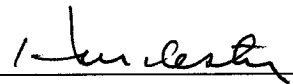
Jostens, the ring manufacturer, and was informed that they did not have records for the high school ring, the college bought 145 rings for the football players, and the college rings were made out of yellow luminous metal and had a value of \$393. Barrett stated that both rings were melted down.

The district court found that the victim had provided adequate proof of value, noted that the rings must have been valuable if they were melted down for the gold, and awarded \$4,520 in restitution.² We conclude that the district court relied upon evidence that was reasonably reliable and accurate to set restitution, see id. at 13, 974 P.2d at 135, and we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Stefany Miley, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

... continued

(1980) (appellant has the burden to provide this court with an adequate record to review assignments of error asserted on appeal).

²This amount includes restitution for a Gucci diaper bag. Barrett does not contest the value of the diaper bag on appeal.