

IN THE SUPREME COURT OF THE STATE OF NEVADA

TY ERIC WEAVER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 61756

**FILED**

MAY 15 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Tracie K. Lindeman*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an amended judgment of conviction, pursuant to a guilty plea, of conspiracy to leave the scene of an accident involving personal injury and child neglect or endangerment. First Judicial District Court, Carson City; James E. Wilson, Judge.


Appellant Ty Weaver argues that the district court abused its discretion at sentencing by using a preponderance of the evidence standard when computing the restitution award and that the evidence presented did not meet this standard. We disagree. Restitution is a sentencing determination, and a district court's award of restitution will not be disturbed "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). Our review of the record reveals that the district court conducted an appropriate hearing which allowed Weaver to challenge the amount of restitution sought by the State, reviewed documentary evidence, and set a fixed amount of restitution for counseling costs significantly less than that requested by the victim. We conclude that the district court did not abuse its discretion by ordering Weaver to pay restitution in the amount of \$24,189.93. See NRS 176.033(1)(c); *Martinez*, 115 Nev. at 13, 974 P.2d at 135; see also *Washington v. State*, 112 Nev. 1067, 1075, 922 P.2d 547, 551

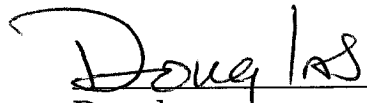
(1996) (suggesting that prospective counseling costs may be awarded if set at a fixed amount).

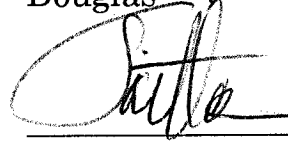
Weaver also argues that the district court erred to the extent it awarded restitution to the Victims of Crime Program. Because the judgment of conviction does not direct Weaver to pay restitution to the Victims of Crime Program, we conclude that the district court did not err.

Accordingly, we

ORDER the amended judgment of conviction AFFIRMED.

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

  
\_\_\_\_\_, J.  
Douglas

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

cc: Hon. James E. Wilson, District Judge  
State Public Defender/Carson City  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk