

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARNELL S. SEARCY A/K/A DARNELL
SEARCY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63199

FILED

JAN 21 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of battery with substantial bodily harm. Eighth Judicial District Court, Clark County; Abbi Silver, Judge.

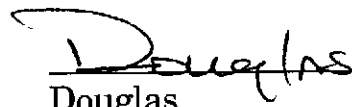
Appellant Darnell Searcy contends that the district court abused its discretion when imposing a restitution award because the award was based on unverified and conflicting documents and erroneously included funds to compensate the victim for prospective medical costs and the death of her dog. We disagree.

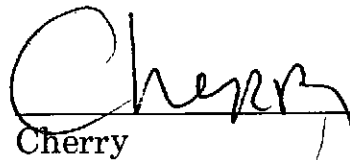
The district court conducted a limited restitution hearing and allowed Searcy to challenge the amount of restitution requested by the victim. The State noted that the request covered only the victim's medical expenses, including a set amount for prospective costs, *see Washington v. State*, 112 Nev. 1067, 1075, 922 P.2d 547, 551 (1996) (implying that prospective costs may be awarded if set at a fixed amount), and did not include the costs associated with the death of the victim's dog. The victim testified regarding the request and provided documentation of her medical expenses, which have not been completely provided on appeal. Based upon the record provided, we conclude that Searcy fails to demonstrate

that the district court abused its discretion. *See Martinez v. State*, 115 Nev. 9, 12-13, 974 P.2d 133, 135 (1999) (restitution is a sentencing determination, which this court will not disturb unless it rests upon palpable or highly suspect evidence). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

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