

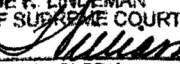
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ESTEBAN TERRONES VASQUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 65723

FILED

JAN 21 2015

TRAVIS K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

Appellant claims that the district court abused its discretion when imposing restitution in the amount of \$119,738. Appellant asserts that the victim's restitution claim was not reliable because it did not include an actual accounting of the items that were missing or a dollar amount for the losses that were actually attributable to him.


Restitution is a sentencing determination that this court will generally not disturb unless it rests upon impalpable or highly suspect evidence. *Major v. State*, 130 Nev. ___, ___, 333 P.3d 235, 238 (2014); *Martinez v. State*, 115 Nev. 9, 12-13, 974 P.2d 133, 135 (1999). A district court must rely on reliable and accurate information in calculating a restitution award. *Major*, 130 Nev. at ___, 333P.3d at 238; *Martinez*, 115 Nev. at 13, 974 P.2d at 135.


At the restitution hearing, John Jaggie, the vice president of operations for Brady Linen Services, testified that his company keeps good records on the amount of money spent on linens and the amount spent generally stays linear throughout the year. In July of 2013, he saw a

significant increase in the amount of money that was being spent replacing specific linens. It was ultimately determined that appellant, who worked for Brady Linen Services, had been taking linens and selling them at a yard sale in Utah. Jaggie was able to identify the types of linens that had been taken and sold at the yard sale and he compiled a table that identified the amount spent replacing those linens during each quarter of 2013. Jaggie testified that his company spent \$134,079 more on the identified linens in the third quarter than they had in the second quarter. He also testified that \$14,341 worth of linens were recovered from appellant's garage and returned to the company. Based on these numbers, Jaggie requested \$119,738 in restitution.

The district court found that the restitution request was substantiated by Jaggie's testimony and imposed restitution in the amount of \$119,738. We conclude that the district court relied on reasonably reliable and accurate evidence when setting restitution and the district court did not abuse its discretion in awarding restitution. Therefore, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Jessie Elizabeth Walsh, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk