

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIAM ELLERY MARSHMENT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66336

FILED

FEB 05 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, entered pursuant to a guilty plea, of one count of conspiracy to commit grand larceny and one count of attempted grand larceny. Second Judicial District Court, Washoe County; Lidia Stiglich, Judge.

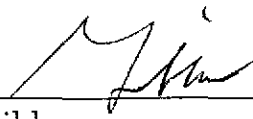
Appellant claims that the district court abused its discretion by relying on evidence not presented at appellant's sentencing hearing in determining restitution.


At his sentencing hearing, appellant objected to restitution in the amount of \$13,000 as recommended because appellant could not understand why a spool of copper would be ruined once it was cut. The State offered to bring in an expert to testify regarding the value of the copper wire. The district court concluded that that was unnecessary because she was satisfied with the information in front of her, which included information regarding the value of the copper as established during the appellant's co-defendants' cases. The district court subsequently imposed restitution in the amount of \$13,000, to be paid jointly and severally by appellant and his co-defendants. Appellant did not object to the district court's use of his co-defendants' information or

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otherwise further object to the imposition of restitution. Because appellant failed to object, this claim is subject to plain error. *See Grey v. State*, 124 Nev. 110, 123, 178 P.3d 154, 163 (2008) (observing that unpreserved errors at sentencing are reviewed for plain error). Appellant has failed to demonstrate plain error because he failed to demonstrate that the district court relied on unreliable or inaccurate information when calculating restitution. *See Saletta v. State*, 127 Nev. ___, ___, 254 P.3d 111, 114 (2011); *see also Martinez v. State*, 115 Nev. 9, 13, 974 P.2d 133, 135 (1999); *Major v. State*, 130 Nev. ___, ___, 333 P.3d 235, 238 (2014). Therefore, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Lidia Stiglich, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk