

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK DAVID ALEXANDER,

No. 37005

Appellant,

vs.

FILED

THE STATE OF NEVADA,

FEB 21 2001

Respondent.

JANEITE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Z. [Signature]*
CHIEF DEPUTY CLERK

ORDER OF REMAND

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of possession of stolen property. The district court sentenced appellant to a prison term of 12 to 32 months, and ordered appellant to pay restitution in the amount of \$5,000.00.

Appellant contends that the district court erred by imposing restitution for property that was not charged in the information and for which appellant had not pleaded guilty. This court has held that "a defendant may be ordered to pay restitution only for an offense that he has admitted, upon which he has been found guilty, or upon which he has agreed to pay restitution."¹

In the instant case, the information charged appellant with possession of stolen jewelry, and the guilty plea agreement stated that appellant possessed stolen jewelry. At the arraignment, the State indicated that the amount of restitution for the jewelry was approximately \$114.00. At sentencing, however, the victim testified that the amount of restitution should be \$6,750.00, which included property other than the jewelry.

¹Erickson v. State, 107 Nev. 864, 866, 821 P.2d 1042, 1043 (1991).

Appellant pleaded guilty to possession of stolen jewelry, and did not agree to pay restitution for anything other than the jewelry. We conclude that the district court erred by ordering appellant to pay restitution beyond that for the property appellant admitted to possessing. We therefore vacate the order of restitution and direct the district court to determine the proper amount of restitution in accordance with the foregoing. Accordingly, we

ORDER the judgment of conviction AFFIRMED IN PART AND VACATED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.

Young, J.
Young

Rose, J.
Rose

Becker, J.
Becker

cc: Hon. Brent T. Adams, District Judge
Attorney General
Washoe County District Attorney
Washoe County Public Defender
Washoe County Clerk