

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JULIAN RODRIGUEZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79901-COA

**FILED**

MAY 11 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Julian Rodriguez appeals from an amended judgment of conviction entered pursuant to a guilty plea of attempted grand larceny. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

First, Rodriguez claims the district court abused its discretion by basing the restitution award on the estimated cost of repairs to the truck without first determining whether the repairs had actually been performed or the truck was totaled. Rodriguez failed to support this claim with relevant authority and cogent argument; therefore, we decline to consider it in this appeal. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) (“It is appellant’s responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.”).

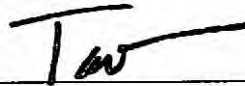
Second, Rodriguez claims the district court abused its discretion by basing the restitution award on the estimated cost of repairs to the truck because the truck was “a fungible commodity with a viable market” and therefore the restitution amount should have been based on the truck’s fair market value. “Restitution under NRS 176.033(1)(c) is a sentencing determination. On appeal this court generally will not disturb a district court’s sentencing determination 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).

Here, the record demonstrates the State presented evidence that the estimated cost of repairs for the damaged truck was \$14,497.57. Rodriguez objected to this amount because the Kelley Blue Book listed the value of the truck as about \$5,000. The district court found that the estimated cost of repairs was documented and set the restitution amount at \$14,497.57. Rodriguez does not claim the district court relied upon impalpable or highly suspect evidence, and we conclude he has not demonstrated that the district court abused its discretion in setting the restitution amount.

Having concluded Rodriguez is not entitled to relief, we  
ORDER the amended judgment of conviction AFFIRMED.

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

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Mary Kay Holthus, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk