

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ERICA RASHAWN SCOTT, A/K/A
ERICA RASHAWN BELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80387-COA

FILED

AUG 12 2020

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

ORDER OF AFFIRMANCE

Erica Rashawn Scott appeals from a judgment of conviction entered pursuant to a guilty plea of exploitation of an older/vulnerable person. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

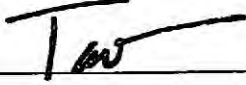
Scott claims the district court abused its discretion by awarding restitution for home repairs because the damages to the victims' home were not sufficiently related to an offense she had admitted to, upon which she had been found guilty, or for which she had agreed to pay restitution. She cites to *Erickson v. State*, 107 Nev. 864, 866, 821 P.2d 1042, 1043 (1991), for support.

A restitution award ordered pursuant to NRS 176.033(1)(c) is a sentencing decision, *Martinez v. State*, 115 Nev. 9, 12, 974 P.2d 133, 135 (1999), which we review for abuse of discretion, *Chavez v. State*, 125 Nev. 328, 348, 213 P.3d 476, 490 (2009). Here, the record demonstrates Scott agreed to pay "full restitution to [the victims]" and the district court determined "[b]ut for the exploitation of an older person, the victims would not have incurred those . . . repair costs." Given this record, we conclude the district court did not abuse its discretion by awarding restitution for the home repairs.

Scott also claims the district court abused its discretion by awarding restitution for attorney fees because the State failed to present sufficient, reliable, and accurate evidence that the attorney fees were directly related to an offense that she had admitted to, upon which she had been found guilty, or for which she had agreed to pay restitution. However, the record demonstrates the State informed the district court that the victims were prepared to justify their restitution request, they had receipts to support their request, and the last attorney fee was paid prior the criminal resolution of this case. Scott did not object to the legal basis, nor the sufficiency, reliability, and accuracy of this evidence,¹ and she has not demonstrated how the district court abused its discretion by including attorney fees expended by the victim as restitution. We conclude Scott forfeited this claim of error by failing to object in the court below and, because she has not argued plain error in this court, we decline to review this alleged error on appeal. *See Jeremias v. State*, 134 Nev. 46, 50, 412 P.3d 43, 48 (2018).

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


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

¹*See Martinez*, 115 Nev. at 12-13, 974 P.2d at 1365 (As a general rule, a district court's restitution award will not be disturbed "so long as it does not rest upon impalpable or highly suspect evidence.").

cc: Hon. Joseph Hardy, Jr., District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk