

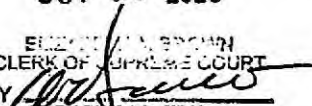
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEREK KURT HEGGSTROM,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 80703-COA

FILED

OCT 09 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Derek Kurt Heggstrom appeals from a judgment of conviction entered pursuant to a guilty plea of second-degree arson. Second Judicial District Court, Washoe County; Kathleen M. Drakulich, Judge.

Heggstrom claims the district court abused its discretion at sentencing by awarding a restitution amount that was not supported by reliable and accurate evidence. In particular, he claims the invoice for the water remediation was vague, the restitution for the damaged appliances and air conditioning unit provided the victim with an improper windfall, and there was no evidence that the carpeting had to be replaced.

“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). The district court must rely on reliable and accurate information in calculating the restitution amount. *Id.* at 13, 974 P.2d at 135.

The district court considered a victim impact statement describing the damage; the invoices for water remediation, replacement

appliances, and replacement air conditioning unit; the formal estimate for replacing the carpeting and vinyl flooring; photographs depicting the damage; and the arguments of the parties. The district court found that the State “made an adequate and specific showing of restitution in this case as to all elements” and determined that the correct restitution amount was \$10,323.02.

We conclude the record supports the district court’s restitution award and that Heggstrom has not demonstrated the district court relied upon information that was unreliable and inaccurate. Accordingly, we

ORDER the judgment of conviction AFFIRMED.<sup>1</sup>

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

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

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

cc: Hon. Kathleen M. Drakulich, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

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<sup>1</sup>To the extent Heggstrom argues the restitution amount for the damaged appliances and air conditioner unit should have been based on their fair market value, he did not present this argument in the court below and we decline to consider it for the first time on appeal. *See Rimer v. State*, 131 Nev. 307, 328 n.3, 351 P.3d 697, 712 n.3 (2015).