

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILFREDO AVALOS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90761-COA

FILED

JAN 28 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabet*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Wilfredo Avalos appeals from a judgment of conviction, entered pursuant to a guilty plea, of one count of conspiracy to commit a crime. Eighth Judicial District Court, Clark County; Tara D. Clark Newberry, Judge.

Avalos argues the district court abused its discretion by awarding \$19,574 in restitution because the State did not provide competent evidence to support the award. Avalos entered his plea pursuant to a written plea agreement with the State, in which Avalos “agree[d] to pay restitution in the amount of \$19,574.00.”

NRS 176.033(3) authorizes a sentencing court to “set an amount of restitution for each victim of the offense” in cases where restitution is “appropriate.” Although the Nevada Supreme Court has held that restitution awards must be supported by “competent evidence,” *Gee v. State*, 140 Nev., Adv. Op. 16, 545 P.3d 90, 94 (2024), the appellants in those cases had not stipulated in advance to a specific amount of restitution, *see id.* at 93 (noting that “[t]he plea agreement included language that Gee agreed ‘to pay restitution as determined by Parole and Probation’”); *Nied v. State*, 138 Nev. 275, 276, 509 P.3d 36, 39 (2022) (noting that Parole and Probation

made a recommendation as to the restitution amount); *Martinez v. State*, 115 Nev. 9, 10, 974 P.2d 133, 134 (1999) (noting that Parole and Probation “recommended that appellant be required to pay all of the victims’ medical bills”).

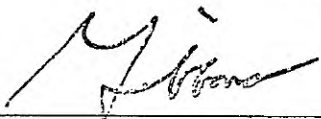
In this case, however, Avalos expressly agreed to pay \$19,574 in restitution in the plea agreement and affirmed his stipulation as to the restitution amount during his change of plea canvass.¹ Under these specific circumstances, Avalos cannot challenge the propriety of the restitution amount ordered by the district court. *Cf. Burns v. State*, 137 Nev. 494, 504, 495 P.3d 1091, 1102 (2021) (“Generally, when a defendant pleads guilty and agrees to a specific sentence, he waives the right to challenge the propriety of his sentence.” (internal quotation marks and punctuation omitted)); *Lehrer McGovern Bovis, Inc. v. Bullock Insulation, Inc.*, 124 Nev. 1102, 1118, 197 P.3d 1032, 1042 (2008) (observing that “[s]tipulations are of an inestimable value in the administration of justice, and valid stipulations are controlling and conclusive and both trial and appellate courts are bound to enforce them” (internal quotation marks omitted)). Accordingly, we

ORDER the judgment of conviction AFFIRMED.



Bulla

, C.J.



Gibbons

, J.



Westbrook

, J.

¹Avalos does not challenge the validity of his guilty plea.

cc: Hon. Tara D. Clark Newberry, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk