

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENISE QUIGLEY,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 38778

FILED

JAN 22 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER AFFIRMING IN PART, REVERSING IN PART AND
REMANDING

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of three counts of theft. The district court sentenced appellant to a concurrent prison term of 24 to 60 months on each count. The district court further ordered appellant to pay extradition costs in the amount of \$1,920.98, and restitution in the amount of \$703,182.00.

Appellant contends that the district court erred by imposing restitution for amounts beyond those set forth in the criminal information. 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

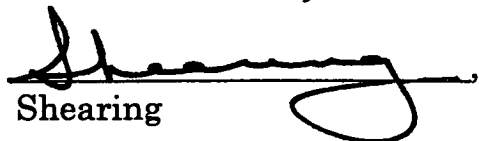
In the instant case, appellant was originally charged with three counts of theft for converting money: (1) in the amount of \$103,480.87 between January 1998, and June 1998; (2) in the amount of \$78,503.17 between July 1998, and January 1999; and (3) in the amount of \$88,084.06 between February 1999, and June 1999. These are the counts to which appellant pleaded guilty.

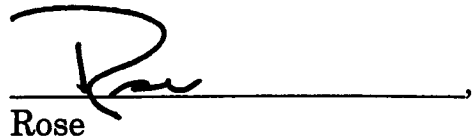
In the guilty plea agreement, appellant admitted that she committed theft, as alleged in the information. Appellant agreed to pay restitution for the offenses to which she pleaded guilty and for "any related offense which is being dismissed or not prosecuted pursuant to this agreement." We note that appellant was apparently never charged with additional incidents of theft, although a civil judgment was entered against appellant for stealing \$728,000.00 from the victim. We conclude that the district court erred by ordering appellant to pay restitution beyond that for the counts to which appellant pleaded guilty. We therefore vacate the order of restitution and direct the district court to

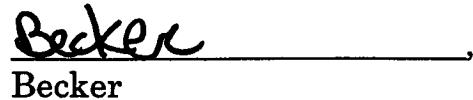
¹Erickson v. State, 107 Nev. 864, 866, 821 P.2d 1042, 1043 (1991).

determine the proper amount of restitution in accordance with the foregoing. Accordingly, we

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

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Valorie Vega, District Judge
Attorney General/Carson City
Clark County District Attorney
Clark County Public Defender
Clark County Clerk