

IN THE SUPREME COURT OF THE STATE OF NEVADA

NICKY TANTEW,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 39034

FILED

MAR 14 2002

ORDER OF AFFIRMANCE

JANETTE M. BLOOR  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one felony count of grand larceny auto, a violation of NRS 205.228. The district court sentenced appellant Nicky TanteW to a term of 12 to 60 months in the Nevada State Prison. The district court suspended execution of the sentence and placed TanteW on a term of probation not to exceed five years. TanteW was also ordered to pay restitution in the amount of \$5,412.

TanteW's sole contention on appeal is that he was improperly ordered to pay restitution to the victim for an amount reimbursed to her by the hotel from which the victim's car was stolen.<sup>1</sup> We disagree.

Restitution under NRS 176.033(1)(c) is a sentencing determination.<sup>2</sup> On appeal, this court generally will not disturb a district

---

<sup>1</sup>The total amount of damages suffered by the victim was undisputed and determined to be \$10,824.34. Of that, the Mandalay Bay Hotel paid \$9,204.34, and the victim paid \$1,620 herself. The district court ordered half the total, or \$5,412, to be paid by TanteW and half to be paid by TanteW's co-defendant, who also pleaded guilty to the theft.

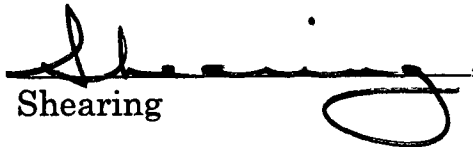
<sup>2</sup>See Martinez v. State, 115 Nev. 9, 974 P.2d 133 (1999).

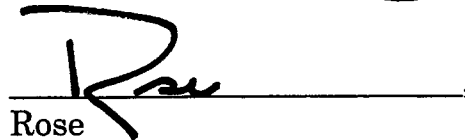
court's sentencing determination so long as it does not rest upon impalpable or highly suspect evidence.<sup>3</sup>

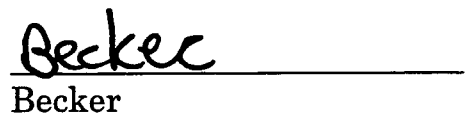
A defendant's obligation to pay restitution to the victim may not be reduced because a victim is reimbursed by another entity, such as an insurance company.<sup>4</sup> This obligation remains even though a victim's insurance company is not a victim for restitution purposes.<sup>5</sup> We conclude that the district court properly determined that the amount of restitution paid to the victim included the amount the hotel had reimbursed her. Therefore, we will not disturb that determination on appeal.

Having considered Tantew's claim and concluded it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

  
Shearing, J.

  
Rose, J.

  
Becker, J.

---

<sup>3</sup>See Lloyd v. State, 94 Nev. 167, 576 P.2d 740 (1978).

<sup>4</sup>See Martinez at 12, 974 P.2d at 135.

<sup>5</sup>See id. See also NRS 176.015(5)(b), which provides that the term "victim" includes "(1) A person, including a governmental entity, against whom a crime has been committed; (2) A person who has been injured or killed as a direct result of the commission of a crime; and (3) A relative of a person described in subparagraph (1) or (2)."

cc: Hon. Sally L. Loehrer, District Judge  
Clark County Public Defender  
Attorney General/Carson City  
Clark County District Attorney  
Clark County Clerk