

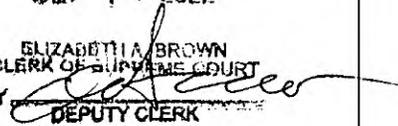
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL WAYNE WALLACE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84519-COA

FILED

SEP 14 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Michael Wayne Wallace appeals from a judgment of conviction entered pursuant to a guilty plea of attempted grand larceny of a motor vehicle. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Wallace argues the district court abused its discretion at sentencing by imposing restitution for an uncharged, separate burglary. Wallace also argues that the district court erred in ordering that he pay restitution jointly and severally with his codefendants because he was not responsible for all of the victim's losses.

Restitution is a sentencing determination, and "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). In determining the appropriate amount of restitution, a district court must rely on reliable and accurate information, and we review that determination for an abuse of discretion. *Id.* at 13, 974 P.2d at 135. "[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.” *Erickson v. State*, 107 Nev. 864, 866, 821 P.2d 1042, 1043 (1991).

In the written plea agreement, Wallace agreed to “pay restitution jointly and severally with any codefendant(s).” Wallace also acknowledged in the written plea agreement that he understood he would “be ordered to make restitution to the victim of the offense(s) to which I am pleading guilty and to the victim of any related offense(s) being dismissed or not pursued pursuant to this agreement.”

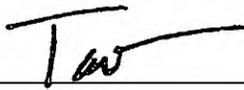
At the sentencing and restitution hearings, the State contended that an uncharged residential burglary in which a victim suffered losses was a related offense and it was not pursued due to Wallace’s acceptance of the plea agreement. Accordingly, the State urged the district court to impose restitution to the victim for his losses stemming from the burglary. The victim testified concerning his losses. The victim also provided a list of the items stolen and their values.

The district court noted that Wallace had agreed to be responsible for restitution for offenses related to his charged offense and found that the uncharged burglary was related to the charged offense. The district court also found that the value of the victim’s losses was proven by reliable and accurate evidence, and the record supports that finding. *See Stephans v. State*, 127 Nev. 712, 716, 262 P.3d 727, 731 (2011) (“An owner of property may testify to its value, at least so long as the owner has personal knowledge, or the ability to provide expert proof, of value.” (internal citation omitted)). The district court decided to impose restitution jointly and severally with Wallace’s codefendants in the amount of \$30,149.

In light of the record, Wallace does not demonstrate that the district court abused its discretion when imposing restitution. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Robert W. Lane, District Judge
AMD Law, PLLC
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk