

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT EUGENE TERRY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74828

FILED

JUN 13 2018

ELIZABETH A. BROWN
CLERK OF THE COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

*ORDER AFFIRMING IN PART, VACATING IN PART, AND
REMANDING*

Robert Eugene Terry appeals from a judgment of conviction entered pursuant to a guilty plea of conspiracy to commit grand larceny. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

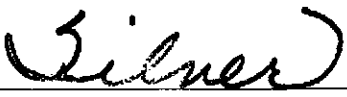
Terry claims the district court's restitution award improperly reimburses several businesses for losses he did not admit to, was not convicted of, and did not agree to pay. We review a district court's restitution award for abuse of discretion. *See Martinez v. State*, 115 Nev. 9, 12-13, 974 P.2d 133, 135 (1999).

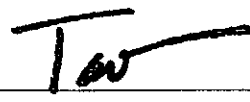
In *Erickson v. State*, the Nevada Supreme Court established a bright-line rule "that a defendant may be ordered to pay restitution *only* for an offense that he has admitted, upon which he has been found guilty, or upon which he has agreed to pay restitution." 107 Nev. 864, 866, 821 P.2d 1042, 1043 (1991) (emphasis added). Moreover, it has expressly rejected a transactional approach that would allow district courts "to order restitution to all victims whose losses, though not the result of offenses to which a defendant either pleads guilty or has been adjudicated so, arise out of the


same transaction or conduct as the charge to which the defendant pleads guilty." *Id.*

Because we conclude the district court abused its discretion by ordering Terry to pay restitution for losses that were not the result of the offense he admitted to or offenses he agreed to pay restitution on, we vacate the restitution award and remand the matter to the district court for entry of a corrected judgment of conviction. Accordingly, we

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


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Connie J. Steinheimer, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk