

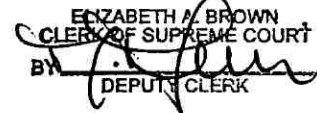
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOSE AUGUSTO TREJO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 84916-COA

FILED

NOV 09 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Jose Augusto Trejo appeals from a judgment of conviction, entered pursuant to a guilty plea, of taking a debit card without the consent of the cardholder. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

Trejo argues the district court's restitution award improperly reimburses a second victim for losses Trejo 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). 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.*

Here, a charge related to Trejo's possession of a stolen vehicle belonging to a second victim was dismissed as part of the plea agreement. At sentencing, Trejo agreed to reimburse this second victim for the insurance deductible "or anything related to the vehicle." The State argued the victim was entitled to be reimbursed for the travel costs she incurred to recover her vehicle, and the district court confirmed the State was "lookin' at the 1191 on page 1." The district court then fixed restitution at \$1,691.29, of which \$500.00 was the insurance deductible. The document the district court referred to is not contained in the appellate record, and thus, it is unclear if the remainder of the restitution amount is related to the vehicle. Because missing portions of the record are presumed to support the district court's decision, *see Riggins v. State*, 107 Nev. 178, 182, 808 P.2d 535, 538 (1991), *rev'd on other grounds by Riggins v. Nevada*, 504 U.S. 127 (1992), we cannot conclude the district court abused its discretion in imposing restitution. Accordingly, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Jim C. Shirley, District Judge  
Pershing County Public Defender  
Attorney General/Carson City  
Pershing County District Attorney  
Clerk of the Court/Court Administrator