


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RYAN DAVID STERLING,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 89576-COA

**FILED**

**JUN 16 2025**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Ryan David Sterling appeals from a judgment of conviction, entered pursuant to a guilty plea, of driver evade, elude or fail to stop on signal of peace officer, endangering other person or property. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

Sterling argues the district court erred in its award of restitution because the State failed to provide competent evidence to establish how the stolen rental vehicle Sterling was driving had been valued. Prior to sentencing, the State filed documentary evidence, provided by the victim (Avis), that the rental vehicle had been appraised as a "total loss" and that the vehicle's value was \$27,814.81. Sterling contends this evidence was not competent because it lacked sufficient itemization or proof of appraisal of the vehicle. Sterling also argues the district court erred by failing to determine whether an offset was required based on any payments made to Avis by its insurer.

"We review a district court's restitution determination for an abuse of discretion." *Gee v. State*, 140 Nev., Adv. Op. 16, 545 P.3d 90, 93

(2024). Although “[a] sentencing judge generally has wide discretion when ordering restitution pursuant to NRS 176.033(3),” the award must be based upon “reliable and accurate information.” *Id.* (quotation marks omitted). Because Sterling challenged the amount of restitution, “the State was required to present evidence at sentencing to prove the amount of restitution.” *Nied v. State*, 138 Nev. 275, 277, 509 P.3d 36, 39-40 (2022). “A defendant is not entitled to a full evidentiary hearing at sentencing regarding restitution, but a defendant is entitled to challenge restitution sought by the state and may obtain and present evidence to support that challenge.” *Gee*, 140 Nev., Adv. Op. 16, 545 P.3d at 93 (internal quotation marks omitted).

Here, the State provided evidence that Avis had the vehicle appraised. The appraiser determined the vehicle’s value and that the vehicle was a total loss of \$27,817.81 in light of the damage repair cost of \$25,286.19 and a diminished value amount of \$2,528.62. While the State did not submit the appraisal itself, it submitted photographs of the substantial damage to the body and interior of the vehicle, including that the vehicle had been painted a different color since it was stolen, and that the damage repair estimate exceeded \$25,000. While Sterling challenged the evidence at sentencing—positing why the vehicle was a total loss and could not just be repainted—he declined the court’s offer to set a restitution hearing so he could cross-examine a representative from Avis and presented no evidence supporting his challenge or demonstrating that the total loss or repair cost determination obtained by Avis was inaccurate or that the photographs depicting the damage were inaccurate. Additionally, there

were other costs incurred by Avis including substantial towing and impound fees. Thus, the restitution award of \$29,522.03 is supported by the record.

Further, Sterling was not entitled to an offset for the amount Avis's insurer may have paid to compensate Avis for the loss. *See Nied*, 138 Nev. at 279-80, 509 P.3d at 41 (providing that a defendant's restitution obligation is not reduced because of payments that a victim received from their own insurance provider). For these reasons, we conclude the district court did not abuse its discretion in awarding restitution, and we

ORDER the judgment of conviction AFFIRMED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Tammy Riggs, District Judge  
Washoe County Alternate Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk