

COURT OF APPEALS OF OREGON

State v. Mills

346 Or. App. 263 (2025) · No. A180048 · Decided December 31, 2025

SUMMARY

The Oregon Court of Appeals reviewed a restitution award arising from damage to a police patrol car. The court held that the record did not establish that replacing the vehicle cost less than repairing it, as required by ORS 31.705(2)(a), and therefore vacated the restitution amounts awarded to City County Insurance Services and the City of Molalla. The court remanded for resentencing and otherwise affirmed.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	O'Connor, J.; Ortega, Presiding Judge; Joyce, Judge; O'Connor, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	December 31, 2025
DOCKET	A180048
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from an amended criminal judgment after pleading guilty to six offenses and no contest to another offense, challenging only the restitution award.
STANDARD OF REVIEW	The court reviewed the trial court's imposition of restitution for legal error, while remaining bound by factual findings and reasonable inferences supported by any evidence in the record.
PRECEDENTIAL VALUE	Published and precedential Oregon Court of Appeals opinion
PARTIES	Brian Scott Mills v. State of Oregon

TOPICS

- restitution criminal
- criminal procedure
- statutory interpretation
- standard of review
- appellate procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- restitution

QUESTIONS PRESENTED

1. Whether the trial court could award restitution based on the cost of replacing the damaged patrol car when the record did not establish that replacement was less costly than repair under ORS 31.705(2)(a).
2. Whether the trial court could award the City of Molalla the cost of rewiring the replacement patrol car as part of the restitution award.

HOLDINGS

1. A restitution award for damaged property must be based on evidence establishing the objectively verifiable cost of repair or replacement, whichever is less. Because the record did not establish that replacing the patrol car for \$31,168.75 cost less than repairing it, the trial court legally erred in awarding \$22,578.25 to CCIS.
2. An insurer's reasonable business decision to replace a damaged vehicle does not, by itself, establish the amount of economic damages recoverable as criminal restitution under Oregon's restitution statutes.

KEY QUOTATIONS

“Morgan establishes that a trial court must base its determination of objectively verifiable monetary damages on evidence of a “particular amount” of damages, not evidence that damages are “more than” a particular amount.” (at 270)

“The restitution statutes do not, of course, govern CCIS’s decision to pay the City of Molalla to replace the patrol car based on CCIS’s own cost-benefit analysis.” (at 271)

“Efficiency, however, is not the statutory standard for a restitution award.” (at 272)

FACTUAL BACKGROUND

Mills fired a rifle from a window of his residence, damaging a City of Molalla police patrol car. A body shop estimated that repairs would cost \$16,655.85, while City County Insurance Services paid the city the vehicle's replacement value of \$31,168.75 and sold the damaged car for \$9,821. The city separately spent \$9,784.25 rewiring the replacement patrol car. The trial court awarded restitution based on the replacement and rewiring costs, despite evidence that the repair estimate was lower and uncertainty about whether repair costs would ultimately exceed replacement costs.

PROCEDURAL HISTORY

The State charged Mills with 13 offenses arising from his firing a rifle through a residence window and damaging a police patrol car. Mills entered a plea agreement, pleading guilty to two counts of first-degree criminal mischief among other offenses. The circuit court imposed \$33,009.92 in restitution, including \$22,578.25 to City County Insurance Services for replacement of the patrol car and \$9,784.25 to the City of Molalla for rewiring the replacement vehicle. The Court of Appeals vacated those two restitution amounts and remanded for resentencing, affirming otherwise.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the portions of the amended judgment requiring Mills to pay \$22,578.25 to CCIS and \$9,784.25 to the City of Molalla, and remand for resentencing. The remainder of the amended judgment is affirmed.

CASES CITED

- State v. Boyar, 328 Or App 678, 679, 538 P3d 1225, rev den, 371 Or 771 (2023)
- State v. Pool, 338 Or App 19, 20, 23-24, 565 P3d 73 (2025)
- Pereida-Alba v. Coursey, 356 Or 654, 670-71, 342 P3d 70 (2015)
- State v. Aguirre-Rodriguez, 367 Or 614, 620, 482 P3d 62 (2021)
- State v. Morgan, 274 Or App 161, 162-165, 359 P3d 1242 (2015)

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