

SUPREME COURT OF WASHINGTON

State v. A.M.R.; State v. T.J.Z., 147 Wash. 2d 91

51 P.3d 790 (2002) · No. 71803-2 · Decided August 8, 2002

SUMMARY

The Washington Supreme Court held that the State may appeal juvenile restitution orders under RCW 13.04.033(1), which permits an appeal by any aggrieved person. It further held that restitution is mandatory under RCW 13.40.190 and that crime victims’ insurers qualify as persons and victims entitled to restitution for proven losses. The court affirmed and remanded for entry of restitution orders consistent with its opinion.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Owens, J.; Alexander, C.J.; Smith, J.; Johnson, J.; Madsen, J.; Sanders, J.; Ireland, J.; Bridge, J.; Chambers, J.
JURISDICTION	Washington
DECIDED	August 8, 2002
DOCKET	71803-2
DISPOSITION	affirmed
PROCEDURAL POSTURE	The juveniles petitioned for review of a Court of Appeals decision reversing juvenile restitution orders and remanding for restitution to the victims' insurers. The Supreme Court of Washington affirmed the Court of Appeals and remanded to the juvenile court.
PRECEDENTIAL VALUE	published, en banc, precedential
PARTIES	A.M.R., T.J.Z. v. State of Washington

TOPICS

- appellate procedure
- statutory interpretation
- restitution criminal
- criminal procedure
- legislative history

PRACTICE AREAS

- juvenile law
- criminal procedure
- appellate procedure
- restitution

QUESTIONS PRESENTED

1. Whether the State may appeal juvenile restitution orders under RCW 13.04.033(1).
2. Whether crime victims' insurers are persons and victims entitled to restitution under RCW 13.40.190(1) and the Juvenile Justice Act.

HOLDINGS

1. RCW 13.04.033(1), which permits any person aggrieved by a final juvenile-court order to appeal, authorizes the State to appeal an erroneous juvenile restitution order.
2. Crime victims' insurers are persons and victims entitled to restitution for covered losses under RCW 13.40.190(1), subject to sufficient proof of loss.

KEY QUOTATIONS

"The Court of Appeals answered both questions in the affirmative, and so do we." (51 P.3d at 791)

"The insurance companies are "victims" entitled to restitution." (51 P.3d at 793)

"Because the Basic Juvenile Court Act provides that "any person aggrieved" may appeal, we hold that the state may appeal these juvenile restitution orders, and that restitution must be made to "any persons who have suffered loss."" (51 P.3d at 793)

FACTUAL BACKGROUND

A.M.R. pleaded guilty to second-degree vehicle prowl and making a false statement to a public servant after damaging a victim's vehicle. The juvenile court ordered restitution of \$100 in out-of-pocket losses but excluded \$393.02 paid by the victim's insurer based on its view that it could consider the juvenile's ability to pay. T.J.Z. pleaded guilty to taking a motor vehicle without permission and attempting to elude, and the juvenile court likewise ordered only the victim's out-of-pocket losses, excluding the insurer's payment of \$533.28. The State appealed the exclusion of insurer-paid losses in both cases.

PROCEDURAL HISTORY

A.M.R. and T.J.Z. pleaded guilty to juvenile offenses. The juvenile courts ordered restitution only for the victims' out-of-pocket losses and declined to order restitution for losses paid by insurers. The State appealed, the Court of Appeals consolidated the cases, reversed, and remanded with instructions to enter restitution orders for the insurers subject to proof of loss. The Supreme Court granted review, affirmed, and remanded.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

Remand to the juvenile court to enter restitution orders for the insurers consistent with the opinion, subject to sufficient proof of loss.

CASES CITED

- State v. A.M.R., 108 Wash. App. 9, 14, 27 P.3d 678 (2001)
- In re Pers. Restraint of Schellong, 94 Wash. 2d 314, 317, 616 P.2d 1233 (1980)
- State v. Pacheco, 125 Wash. 2d 150, 154, 882 P.2d 183 (1994)
- In re Brazier Forest Prods., Inc., 106 Wash. 2d 588, 595, 724 P.2d 970 (1986)
- Sheets v. Benevolent & Prot. Order of Keglers, 34 Wash. 2d 851, 854-55, 210 P.2d 690 (1949)
- State v. Williams, 112 Wash. App. 171, 48 P.3d 354 (2002)
- State v. Mail, 121 Wash. 2d 707, 712, 854 P.2d 1042 (1993)
- State v. Bernhard, 108 Wash. 2d 527, 530, 741 P.2d 1 (1987)
- State v. Shove, 113 Wash. 2d 83, 85, 776 P.2d 132 (1989)
- State v. Johnson, 24 Wash. 75, 77, 63 P. 1124 (1901)
- Arizona v. Manypenny, 451 U.S. 232, 246, 101 S. Ct. 1657, 68 L. Ed. 2d 58 (1981)
- United States v. Sanges, 144 U.S. 310, 315-16, 12 S. Ct. 609, 36 L. Ed. 445 (1892)
- State v. Martin, 137 Wash. 2d 149, 154, 969 P.2d 450 (1999)
- State v. Sanchez, 73 Wash. App. 486, 488-90, 869 P.2d 1133 (1994)
- State v. Davison, 116 Wash. 2d 917, 920-21, 809 P.2d 1374 (1991)
- Int'l Ass'n of Fire Fighters, Local 46 v. City of Everett, 146 Wash. 2d 29, 39-40, 42 P.3d 1265 (2002)