

SUPREME COURT OF NORTH DAKOTA

State of North Dakota v. Manuel Gonzales

State v. Gonzales, 2023 ND 202 (2023) · No. No. 20230129 · Decided October 26, 2023

SUMMARY

The North Dakota Supreme Court reversed an order and amended judgment requiring Manuel Gonzales to pay \$556 in restitution after he pleaded guilty to unlawful use of personal identifying information. The court held that the restitution for property stolen from the victim’s vehicle was not directly related to the offense of conviction under N.D.C.C. § 12.1-32-08(4).

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Daniel J. Crothers, Justice; Jon J. Jensen, Chief Justice; Lisa Fair McEvers, Justice; Jerod E. Tufte, Justice; Douglas A. Bahr, Justice
JURISDICTION	North Dakota
DECIDED	October 26, 2023
DOCKET	No. 20230129
DISPOSITION	reversed
PROCEDURAL POSTURE	Gonzales appealed a district court order and amended judgment imposing restitution after he pleaded guilty to unlawful use of personal identifying information.
STANDARD OF REVIEW	Restitution orders are reviewed to determine whether the district court acted within the statutory limits, under a standard similar to abuse of discretion. A district court abuses its discretion when it acts arbitrarily, unreasonably, or unconscionably, when its decision is not the product of a rational mental process leading to a reasonable determination, or when it misinterprets or misapplies the law.
PRECEDENTIAL VALUE	Published North Dakota Supreme Court opinion; precedential.
PARTIES	Manuel Gonzales v. State of North Dakota

TOPICS

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

PRACTICE AREAS

criminal law

criminal procedure

restitution

QUESTIONS PRESENTED

1. Whether the district court could order restitution for property stolen from a victim's vehicle when Gonzales pleaded guilty to unlawful use of personal identifying information.
2. Whether the restitution order was limited to damages directly related to the criminal offense under N.D.C.C. § 12.1-32-08(4).

HOLDINGS

1. Under N.D.C.C. § 12.1-32-08(4), restitution is limited to damages and expenses directly related to the criminal offense and directly resulting from the defendant's criminal conduct. Because the \$556 in losses arose from theft and was not directly related to Gonzales's conviction for unlawful use of personal identifying information, the district court erred in ordering restitution.
2. A restitution order is reviewed to determine whether the district court acted within the limits set by statute, under a standard similar to abuse of discretion.

KEY QUOTATIONS

“In determining the amount of restitution, the court shall take into account the reasonable damages sustained by the victim or victims of the criminal offense, which damages are limited to those directly related to the criminal offense and expenses actually sustained as a direct result of the defendant’s criminal action.” (¶ 4)

“Here, the district court misapplied the law and abused its discretion by ordering restitution for the victim’s loss from theft when Gonzales pleaded guilty to unauthorized use of personal identifying information.” (¶ 5)

FACTUAL BACKGROUND

Gonzales pleaded guilty to unlawful use of personal identifying information. The district court ordered him to pay \$556 in restitution for property stolen from the victim's vehicle: \$500 in cash from a wallet, \$45 to replace the wallet, and \$11 to replace an ATM card and driver's license. The Supreme Court concluded that the restitution was based on theft-related losses rather than losses directly related to the offense of conviction.

PROCEDURAL HISTORY

Gonzales pleaded guilty to unlawful use of personal identifying information. The Morton County District Court ordered him to pay \$556 in restitution for property stolen from the victim's vehicle, including cash, a wallet, an ATM card, and a driver's license. The North Dakota Supreme Court reversed the restitution order and amended judgment.

DISPOSITION

reversed

CASES CITED

- State v. Harstad, 2020 ND 151, ¶ 7, 945 N.W.2d 265
- State v. Pippin, 496 N.W.2d 50, 53 (N.D. 1993)
- State v. Carson, 2017 ND 196, ¶ 6, 900 N.W.2d 41
- State v. Harstad, 2022 ND 106, ¶ 13

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