

SUPREME COURT OF FLORIDA

Koile v. State

935 So. 2d 1226 (Fla. 2006) · No. SC05132 · Decided July 6, 2006

SUMMARY

The Florida Supreme Court considers whether section 775.089, Florida Statutes (2003), authorizes restitution for a deceased murder victim’s lost future income and for wages lost by the victim’s next of kin while voluntarily attending the murder trial. The court holds that the statute authorizes restitution for the estate’s lost future income but does not authorize restitution for the next of kin’s voluntarily incurred lost wages. The court approves the Fifth District Court of Appeal’s result and remands for further proceedings.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Wells, J.; Lewis, C.J.; Cantero, J.; Bell, J.; Pariente, J.; Anstead, J.; Quince, J.
JURISDICTION	Florida
DECIDED	July 6, 2006
DOCKET	SC05132
DISPOSITION	approved
PROCEDURAL POSTURE	Koile sought review of a Fifth District Court of Appeal decision addressing the scope of restitution authorized by section 775.089, Florida Statutes (2003). The Fifth District certified two questions of great public importance concerning restitution for next-of-kin lost wages incurred while attending trial and for a murder victim's lost future income.
STANDARD OF REVIEW	Although restitution amounts ordinarily are reviewed for abuse of discretion, the statutory question whether section 775.089 permits the challenged restitution awards is reviewed de novo.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of Florida
PARTIES	Timothy Thomas Koile v. State of Florida

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QUESTIONS PRESENTED

1. Whether section 775.089, Florida Statutes (2003), authorizes restitution for wages lost by a next of kin who voluntarily attends the murder trial of the person accused of killing the victim.
2. Whether section 775.089 authorizes restitution to the estate of a murder victim for the victim's lost future income.

HOLDINGS

1. Section 775.089 does not authorize restitution for wages lost by a next of kin who voluntarily attends the murder trial of the person accused of killing the victim.
2. Section 775.089 authorizes restitution to the estate of a murder victim for an amount consisting of the victim's lost future income.

KEY QUOTATIONS

“When the statutory language is clear, “courts have no occasion to resort to rules of construction—they must read the statute as written, for to do otherwise would constitute an abrogation of legislative power.” (1231)

“Anything less than full compensation for those items discussed in section 775.089 would defeat the legislative intent of the statute.” (1233)

“In this case, the decedent's parents made a voluntary decision to attend the trial. Thus, the lost income was not a result of the offense but was a result of a voluntary decision and does not bear a significant relationship to the offense.” (1234)

FACTUAL BACKGROUND

Timothy Koile pleaded no contest to second-degree murder after agreeing to a specified prison sentence and restitution in an unstipulated amount. The victim's parents sought restitution for approximately \$12,000 and \$1,500 in wages lost while voluntarily attending the three-week murder trial. The victim's estate sought restitution for lost future income, and the trial court awarded \$2,042,126 based on the present value of the victim's projected earnings without assuming a promotion.

PROCEDURAL HISTORY

Koile pleaded no contest to second-degree murder under a plea agreement requiring payment of restitution in an unstipulated amount. The trial court awarded restitution jointly and severally to the victim's parents for wages lost while voluntarily attending the trial and to the victim's estate for lost future income. The Fifth District affirmed the lost-wages ruling, held that lost future income was recoverable but remanded for recalculation, and

certified two questions to the Supreme Court of Florida. The Supreme Court approved the Fifth District's result and remanded for further proceedings.

DISPOSITION

approved

REMAND INSTRUCTIONS

The Supreme Court approved the result reached by the Fifth District Court of Appeal and remanded for further proceedings consistent with the opinion, including proper calculation of the recoverable future-income restitution.

CASES CITED

- Koile v. State, 902 So. 2d 822 (Fla. 5th DCA 2005)
- Spivey v. State, 531 So. 2d 965, 967 (Fla. 1988)
- A.B. v. State, 910 So. 2d 415, 417 (Fla. 4th DCA 2005)
- Daniels v. Fla. Dep't of Health, 898 So. 2d 61, 64-65 (Fla. 2005)
- D'Angelo v. Fitzmaurice, 863 So. 2d 311, 314 (Fla. 2003)
- Joshua v. City of Gainesville, 768 So. 2d 432, 435 (Fla. 2000)
- BellSouth Telecomms., Inc. v. Meeks, 863 So. 2d 287, 289 (Fla. 2003)
- Lee County Elec. Coop., Inc. v. Jacobs, 820 So. 2d 297, 303 (Fla. 2002)
- State v. Burris, 875 So. 2d 408, 410 (Fla. 2004)
- Nicoll v. Baker, 668 So. 2d 989, 990-91 (Fla. 1996)
- State v. Goode, 830 So. 2d 817, 824 (Fla. 2002)
- Forsythe v. Longboat Key Beach Erosion Control Dist., 604 So. 2d 452, 456 (Fla. 1992)
- St. Mary's Hosp., Inc. v. Phillipe, 769 So. 2d 961, 967 (Fla. 2000)
- Schuette v. State, 822 So. 2d 1275, 1280 (Fla. 2002)
- Glaubius v. State, 688 So. 2d 913, 915-16 (Fla. 1997)
- State v. Williams, 520 So. 2d 276 (Fla. 1988)
- Ochoa v. State, 596 So. 2d 515 (Fla. 2d DCA 1992)
- Stewart v. State, 571 So. 2d 485 (Fla. 2d DCA 1990)
- L.H. v. State, 803 So. 2d 862 (Fla. 4th DCA 2002)
- J.S. v. State, 717 So. 2d 175 (Fla. 4th DCA 1998)
- Battle v. State, 911 So. 2d 85, 87 n. 1 (Fla. 2005)
- United States v. Visinaiz, 344 F. Supp. 2d 1310, 1313 (D. Utah 2004), aff'd, 428 F.3d 1300 (10th Cir. 2005), cert. denied, 126 S. Ct. 1101 (2006)
- United States v. Bedonie, 317 F. Supp. 2d 1285, 1305-06 (D. Utah 2004), rev'd on other grounds sub nom. United States v. Serawop, 410 F.3d 656 (10th Cir. 2005)

- *Sinclair Refining Co. v. Butler*, 190 So. 2d 313, 319 (Fla. 1965)

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