

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

IN RE: M.R. : APPEAL NO. C-240293  
: TRIAL NO. 23/720-01 Z  
:  
: *JUDGMENT ENTRY*

This court sua sponte removes this cause from the regular calendar and places it on the court's accelerated calendar, Loc.R. 11.1(C)(1), and this judgment entry is not an opinion of the court. See Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

On July 17, 2023, appellant was adjudicated delinquent for an offense that would constitute receiving stolen property in violation of R.C. 2913.51, along with a firearm specification. Following a delay unrelated to the instant appeal, the matter proceeded to disposition on March 19, 2024. The juvenile court imposed a suspended commitment to the Ohio Department of Youth Services and placed appellant on probation with attendant conditions.

The owner of the stolen vehicle underlying appellant's adjudication sought reimbursement for damages to the vehicle. At the restitution hearing, the owner testified she paid a \$100 fee to reclaim the vehicle from the impound lot at the Cincinnati Police Department. The vehicle's steering column had been stripped and a rear window broken. The state submitted an invoice from Midas for repairs totaling \$4,098.48 for parts, labor, and sales tax. Reasoning appellant was the person who "had the car last," the court ordered him to pay the full \$4,198.48 in restitution to the owner of the vehicle.

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Appellant's sole assignment of error challenges this monetary award. He concedes the \$100 impound fee was properly subject to repayment. However, he argues the costs of repair were not proximately related to his adjudicated offense; rather, the proper party to hold responsible for the damage is the individual who stole the vehicle.

R.C. 2152.20(A)(3) authorizes the juvenile court to order a child adjudicated delinquent "to make restitution to the victim of the child's delinquent act . . . in an amount based upon the victim's economic loss[.]" The amount is statutorily limited to economic loss that is suffered "as a direct and proximate result of the delinquent act[.]" *Id.*; see R.C. 2152.02(K) (defining "economic loss"). The individual seeking restitution bears the burden to provide information from which the court may determine the amount of restitution by a preponderance of the evidence. R.C. 2152.20(A)(3).

It is imperative that evidence offered in support of a prayer for restitution substantiate the relationship between the juvenile's delinquent act and the amount of the recipient's economic loss. *See State v. Folsom*, 2023-Ohio-55, ¶ 10 (1st Dist.). Of note, damages included in a restitution award must "flow as a natural and continuous consequence from the *commission* of the offense, such that they may be considered economic loss suffered by the victim." (Emphasis in original.) *State v. Yerkey*, 2022-Ohio-4298, ¶ 17.

Here, appellant was adjudicated delinquent for taking possession of the owner's vehicle knowing or having reasonable cause to believe it was stolen. He was not charged with or adjudicated delinquent for the theft of the vehicle. The prosecution did not dispute below that the vehicle sustained damage during the commission of the theft offense. Indeed, the juvenile court ordered appellant to

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shoulder the financial burden of repairs because, “unfortunately for [him], he’s the one who last had the car . . . so he’s the one being stuck with restitution[.]”

The law requires that restitution awards be grounded in the offense of conviction. *Yerkey* at ¶ 18. The record supports that the repair expenses reflected in the Midas invoice flowed as a natural consequence from the commission of the theft offense. *See, e.g., State v. Littlefield*, 2003-Ohio-863 (4th Dist.). The record does not establish that these damages were the direct and proximate results of appellant’s receipt of the stolen vehicle. *See Yerkey* at ¶ 17. Accordingly, we hold that the inclusion of the costs of repair in the restitution award under the facts and circumstances of this case was contrary to law. The state concedes the error.

Appellant’s sole assignment of error is sustained. The juvenile court’s restitution order is modified to the amount of \$100, which reflects the undisputed vehicle impoundment fee. The court further orders that 1) a copy of this Judgment constitutes the mandate, 2) the mandate be sent to the trial court for execution under App.R. 27, and 3) costs be assessed to appellee State of Ohio.

**BOCK, P.J., ZAYAS and KINSLEY, JJ.**

**To the clerk:**

**Enter upon the Journal of the Court on 11/1/2024 per Order of the Court.**

By: \_\_\_\_\_  
**Administrative Judge**