

Review of Recent Juvenile Cases (2008)

by
The Honorable Pat Garza
Associate Judge
386th District Court
San Antonio, Texas

Restitution can be ordered for rehabilitative purposes.[In the Matter of D.K.](08-2-9)

On March 19, 2008, the Dallas (5th Dist.) Court of Appeals concluded that restitution can be an effective means to impress upon a juvenile the serious consequences of delinquent behavior, including financial consequences

¶ 08-2-9. **In the Matter of D.K.**, No. 05-07-00224-CV, 2008 Tex.App.Lexis 1979 [Tex.App.— Dallas (5th Dist.), 3/19/08].

Facts: The 304th Judicial District Court, Dallas County, Texas, found that defendant juvenile was a child engaged in delinquent conduct when he committed criminal mischief and ordered defendant to pay restitution in the amount of \$ 9,336.10. Defendant appealed.

Held: Affirmed

Opinion: Defendant claimed the evidence was factually insufficient to support the award of restitution. Defendant, who had been diagnosed with ADHD and bipolar disorder, claimed the monthly restitution payments would require him to obtain full-time employment, which would be difficult given his mental and emotional issues, and full-time employment would disrupt his schooling. The instant court concluded that the trial court did not abuse its discretion in awarding restitution in the amount of \$ 9,336.10. The order was imposed not only on defendant, but also on his brothers and his father, jointly and severally. Defendant would not necessarily be required to seek full-time employment for the restitution to be made. The amount of restitution set by the trial court was supported by evidence in the record on the cost of repairs made to the building defendant and his brothers vandalized. The State presented both testimonial and documentary evidence of the repair work. The \$ 9,336.10 in restitution ordered by the trial court corresponded to the combined total of the invoices submitted by the State. Defendant did not challenge the validity of this evidence or the necessity of the repairs.

Finally, the record supports the imposition of restitution in this case for the rehabilitative purpose of impressing upon D.K. the seriousness of his actions. At the conclusion of the proceedings, the trial judge noted that D.K. and his brothers did not appear to take the charges made against them seriously. The judge observed that the boys misbehaved in court by joking and "kidding around" with one another. Restitution can be an effective means to impress upon a juvenile the serious consequences of delinquent behavior, including financial consequences. *See D.M., 191 S.W.3d at 394.*

Conclusion: Based on the foregoing, we conclude the trial court did not abuse its discretion in awarding restitution in the amount of \$ 9,336.10. We overrule appellant's sole issue.

Accordingly, we affirm the trial court's judgment.