

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED  
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
See Ariz. R. Supreme Court 111(c); ARCAP 28(c);  
Ariz. R. Crim. P. 31.24



DIVISION ONE  
FILED: 05/19/2011  
RUTH A. WILLINGHAM,  
CLERK  
BY: GH

**IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION ONE**

STATE OF ARIZONA,

Appellee,

v.

MATTHEW ALGER LEATHERS,

Appellant.

Court of Appeals  
Division One  
No. 1 CA-CR 10-0171

Maricopa County  
Superior court  
No. CR2009-150445-001 DT

DEPARTMENT D

**DECISION ORDER**

This case was considered at conference on May 3, 2011 by Presiding Judge Patrick Irvine and Judges John C. Gemmill and Philip Hall. Matthew Alger Leathers appeals the superior court's restitution order. For the following reasons, we affirm.

A police officer arrested Leathers after he witnessed him breaking into the storage unit of a tire store. A jury convicted Leathers of third degree burglary and possession of burglary tools. He received presumptive prison sentences. The State requested \$100 in restitution for damage done to the lock and door of the storage unit, but Leathers refused to stipulate to that amount. The trial court ordered Leathers to pay the victim "\$100 based upon the testimony that was presented at the trial." He timely appeals.

Leathers argues there is no evidence the victim is entitled to restitution. We disagree. A victim is entitled to restitution "in the full amount of the economic loss as determined by the court." A.R.S. § 13-603(C) (2010). "A court has wide discretion in setting restitution," and we will affirm if the award "bears a reasonable relationship to the loss sustained." *State v. Dixon*, 216 Ariz. 18, 21, ¶ 11, 162 P.3d 657, 660 (App. 2007).

Reasonable evidence supports the victim sustained \$100 in damages to the door and lock of the storage shed. It appears from the trial transcript that the police officer who arrested Leathers estimated damages of "100 [dollars]."<sup>1</sup> This testimony is corroborated in reports the police officer made on the date of the crime. Furthermore, the presentence report states the victim requested \$100 in restitution, and the investigator determined the victim was owed this amount. See *id.* at ¶ 13 (holding information provided by a victim in a presentence report is sufficient to support an award of restitution even if uncorroborated by other evidence). While Leathers contends the victim incurred no out-of-pocket costs because its employees managed to repair the lock, we will not discount the value of their labor; nor can we ignore that the victim was also entitled to replace the lock as a measure of damages. Finally, Leathers

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<sup>1</sup> We note that most of the trial transcript dated January 6, 2010 is incomprehensible and replete with typographical, grammatical and other errors.

does not dispute "there was paint scratched off from the door," but fails to consider this in his challenge of the \$100 restitution award.

We find no error and affirm.

/s/  
PATRICK IRVINE, Presiding Judge