

IN THE COURT OF APPEALS OF IOWA

No. 9-297 / 08-1656
Filed June 17, 2009

STATE OF IOWA,
Plaintiff-Appellee,

vs.

HARLAN MOTT JR.,
Respondent-Appellant.

Appeal from the Iowa District Court for Polk County, Arthur E. Gamble,
Judge.

Harlan Mott Jr. appeals from the district court's rejection of his challenges to a restitution order requiring him to pay restitution to reimburse the crime victim compensation program. **AFFIRMED.**

Susan R. Stockdale, Des Moines, for appellant.

Thomas J. Miller, Attorney General, Sharon K. Hall, Assistant Attorney General, John P. Sarcone, County Attorney, and George Karnas, Assistant County Attorney, for appellee.

Heard by Sackett, C.J., and Vogel and Miller, JJ.

MILLER, J.

Harlan Mott Jr. appeals from the district court's rejection of his challenges to a restitution order requiring him to pay restitution to reimburse the crime victim compensation program (CVCP) for medical expense payments made on behalf of Mott's victim following his conviction for kidnapping in the first degree. We affirm.

A jury found Mott guilty of first-degree kidnapping. The conviction was based on Mott's kidnapping and assault of his then girlfriend, Lisa Floyd, in early November 2006. In a sentencing order filed June 19, 2007, the district court sentenced Mott to life in prison and ordered him to pay restitution. The amount of restitution was not available at the time of sentencing, and the order provided, in part: "At such time as the amounts are available, a supplemental order will follow." On or about June 25, 2007, the State filed a "Statement of Additional Pecuniary Damages" asserting the CVCP had paid \$2,839.41 as the result of Mott's criminal activities. The State then filed a motion seeking amendment of the sentencing order to include the \$2,839.41. The district court entered an order granting the motion, subject to Mott's right to object to the order.

Mott filed a pro se objection to the supplemental restitution order. The State resisted Mott's objection on several grounds. The district court held a status hearing, declined to dismiss Mott's challenge to the restitution order, and appointed counsel to represent Mott.

Mott's attorney filed an amended motion for correction of restitution, claiming there was no causal connection between the \$2,839.41 paid by the

CVCP and the crime of which Mott was convicted. The district court held a hearing on the merits of Mott's challenge. At the hearing Mott lodged an objection to State's exhibit 1, a printed summary of payments allegedly made by the CVCP on behalf of Floyd, asserting that "no foundation has been laid to bring it into any exception to the hearsay rule." The court agreed the State had not laid any foundation for admission of the exhibit, but received it subject to the objection, noting that the issue before it was not the amount paid by the CVCP but instead the question was whether the payment was related to the crime.

Floyd testified about the injuries inflicted on her by Mott on November 4 and 5, 2006, and the medical treatment she received at Broadlawns Medical Center on November 5 and 7, 2006, as a result of those injuries. She also identified hospital bills for her treatment, which she had submitted to the CVCP. Those bills were admitted in evidence without objection at the hearing. On September 17, 2008, the district court entered a written ruling finding that the \$2,839.41 the CVCP paid to Broadlawns on behalf of Floyd was for reasonable and necessary medical services causally related to damages Floyd suffered as a result of Mott's crime. The court concluded that Mott was properly ordered to pay restitution to the CVCP in that amount, and overruled Mott's amended motion.

Mott appeals the district court's order, claiming the district court abused its discretion when it received exhibit 1 subject to the hearsay objection. He further claims the court erred when it determined he owed restitution to the CVCP, asserting the State did not establish the requisite causal connection between Mott's acts and Floyd's damages.

In the case of hearsay rulings our review is for correction of errors at law. *State v. Ross*, 573 N.W.2d 906, 910 (Iowa 1998). Our review of restitution orders is also for correction of errors at law. *State v. Watts*, 587 N.W.2d 750, 751 (Iowa 1998).

Mott first contends the district court erred in admitting exhibit 1 because the record lacked sufficient foundation to support its admission under the business records exception to the hearsay rule. See Iowa R. Evid. 5.803(6). A restitution order that is part of an original sentencing order, or, as here, is made as part of a supplemental order pursuant to Iowa Code section 910.3 (2005), is a phase of sentencing. *State v. Jose*, 636 N.W.2d 38, 46 (Iowa 2001); *State v. Alspach*, 554 N.W.2d 882, 883 (Iowa 1996). As the Iowa Rules of Evidence are inapplicable to criminal sentencing proceedings, Iowa R. Evid. 5.1101(c)(4), the court did not err in considering the evidence over Mott's hearsay objection.

Mott also argues that the evidence does not establish the requisite causal connection between his criminal acts and the reimbursement sought on behalf of the CVCP for money it paid for Floyd's medical expenses. Assuming without deciding that Mott's challenge to the court's order claims that the order for payment made by the CVCP was unauthorized by rule or statute,¹ we conclude

¹ See *State v. Bradley*, 637 N.W.2d 206, 215 (Iowa Ct. App. 2001) (holding that although when ordering restitution to the crime victim compensation program the district court is not required to find proximate causation between the defendant's criminal acts and those payments, a defendant may challenge an order for payment made by the CVCP on the ground the payment was unauthorized by rule or statute); see also Iowa Code § 915.81 (2005) ("The department shall award compensation authorized by this subchapter if the department is satisfied that the requirements for compensation have been met.").

there is sufficient evidence in the record to satisfy the requirement of a causal connection.

Floyd testified about Mott's actions and the resulting injuries she sustained on November 4 and 5. She testified that those injuries required medical treatment, which she received at Broadlawns on November 5 and 7, and that her treatment did not include treatment for any injuries sustained or incurred prior to the injuries caused by Mott. Floyd testified she received bills for the services rendered for her injuries and applied to the CVCP to pay them. She identified the bills for her treatment and those bills, totaling the \$2,839.41 on State's exhibit 1, were admitted in evidence without objection. We conclude the State satisfied any burden of proof it had to show a causal connection between Mott's criminal acts and the restitution sought to reimburse the CVCP.

For the reasons set forth above, we conclude the district court did not err in admitting exhibit 1 over Mott's hearsay objection or in finding the State had proved a causal connection between Mott's criminal acts and the \$2,839.41 sought by the CVCP.

AFFIRMED.