

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

STATE OF WASHINGTON,)	No. 64009-7-I
)	
Respondent,)	
)	
v.)	
)	UNPUBLISHED OPINION
DAU CHONG GIENG,)	
)	
Appellant.)	FILED: July 26, 2010
)	

Ellington, J. — The only question raised here is the sufficiency of evidence supporting a restitution order. We hold the evidence was ample and affirm.

When Dau Chong Gieng attempted to elude Seattle police, he sideswiped Jason Sharp’s newly painted car. Gieng pled guilty and agreed to pay restitution “in full.”¹ Gieng waived his right to be present at the restitution hearing. The State offered Sharp’s declaration describing the damage, including damage to the bumpers, and attaching an estimate from a body shop, including repairs to the front and rear bumpers. Counsel for Gieng objected to the “bumper repairs,” stating “there doesn’t seem to be any indication that his bumper had fell off.”² The trial court found that the description of the damage created a reasonable inference that the bumpers were

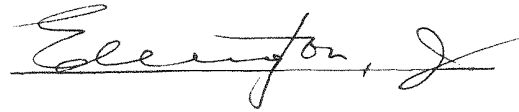
¹ Clerk’s Papers at 22.

² Report of Proceedings (July 16, 2009) at 3.

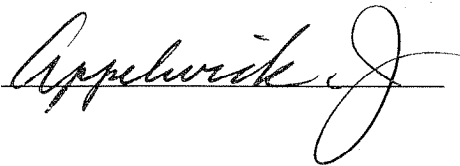
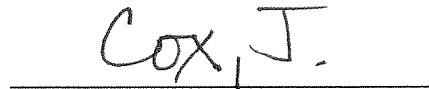
damaged and ordered full restitution in the amount of \$1220.15. Gieng appeals.

Restitution is required when a criminal offense results in damage to property, which “shall not exceed double the amount of the offender’s gain or the victim’s loss.”³ Courts have broad discretion in setting restitution.⁴ Gieng caused damage all along the driver’s side of Sharp’s car, and it is highly unlikely the bumpers were unscathed. Sharp’s declaration, the body shop estimate, and the reasonable inferences from the evidence amply support the restitution order.

Affirmed.

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WE CONCUR:

A handwritten signature in cursive script, appearing to read "Appelwick, J.", written over a horizontal line.A handwritten signature in cursive script, appearing to read "Cox, J.", written over a horizontal line.

³ RCW 9.94A.753(3).

⁴ State v. Dauenhauer, 103 Wn. App. 373, 377, 12 P.3d 661 (2000).