

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

STATE OF WASHINGTON,	)	No. 66759-9-I
	)	
Respondent,	)	
	)	
v.	)	
	)	
ANTHONY EUGENE RUSSELL,	)	UNPUBLISHED OPINION
	)	
Appellant.	)	FILED: July 23, 2012
	)	

Ellington, J. — After Anthony Russell pleaded guilty to second degree burglary for entering William Kain’s home with intent to commit theft, the court ordered him to pay restitution, including for the replacement of a door. Russell appeals, arguing that replacement of the door was not causally connected to the offense. We affirm.

FACTS

On June 17, 2010, William Kain returned to his house to change the locks as a result of a burglary that had happened in the previous days. The door to his home was open and undamaged. Kain entered his home and found a man later identified as Russell inside the room containing Kain’s large, free-standing safe. After the two engaged in a brief physical altercation, Russell ran out of the room. Kain grabbed a crowbar and chased Russell. As Russell ran out of the house through the front door,

Kain threw the crowbar at him. Russell pulled the door closed, and the crowbar hit the front door.

Russell was quickly apprehended and the State charged him with one count of residential burglary. Pursuant to a plea agreement, Russell pleaded guilty to one count of burglary in the second degree, agreed to pay restitution for “all losses, including for prop[erty] damage/theft,” and agreed to allow the court to consider the certification for determination of probable cause and the prosecutor’s summary of the case for sentencing purposes.<sup>1</sup>

The State sought restitution in the amount of \$2,905: \$900 to Kain and the remainder to his insurer, State Farm. State Farm provided an estimate with an itemization of damages, including \$751 for the cost to repair a door. At the contested restitution hearing, neither party elicited any other evidence concerning the damage to the door.

The court granted the State’s request for restitution based on the certification for determination of probable cause and Kain’s testimony.

### DISCUSSION

A court has statutory authority to impose restitution whenever a defendant is convicted of an offense that results in loss of property.<sup>2</sup> Restitution is allowed only for losses that are “causally connected” to the crimes charged.<sup>3</sup> The question is “whether,

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<sup>1</sup> Clerk’s Papers at 27.

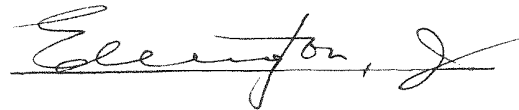
<sup>2</sup> RCW 9.94A.753(5); State v. Griffith, 164 Wn.2d 960, 965, 195 P.3d 506 (2008).

<sup>3</sup> Griffith, 164 Wn.2d at 965 (internal quotation marks omitted) (quoting State v. Tobin, 161 Wn.2d 517, 524, 166 P.3d 1167 (2007)).

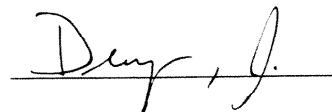
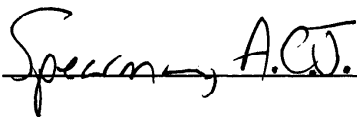
'but for' the crime, the damages would have occurred."<sup>4</sup> We review the court's restitution order for abuse of discretion.<sup>5</sup>

Russell contends the court erred in ordering \$751 in restitution for the damage to the door. He contends there is no evidence this expense was causally connected to the crime because the certificate for determination of probable cause provides that when Kain approached his home, "there did not appear to be any damage to" the back doors of the house.<sup>6</sup> But the certificate also provides that the front door was hit by a crowbar during Russell's attempt to flee the scene.<sup>7</sup> Though Russell did not hit the door himself, Kain would not have thrown the crowbar had he not caught Russell burglarizing his home. The causal connection is clear; the court did not err.

Affirmed.



WE CONCUR:



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<sup>4</sup> State v. Tobin, 161 Wn.2d 517, 526, 166 P.3d 1167 (2007).

<sup>5</sup> State v. Dedonado, 99 Wn. App. 251, 255, 991 P.2d 1216 (2000).

<sup>6</sup> Br. of Appellant at 4-5 (citing Clerk's Papers at 22-23).

<sup>7</sup> See Clerk's Papers at 23.