

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,	)	
	)	No. 66859-5-I
Respondent,	)	
	)	DIVISION ONE
v.	)	
	)	
RONALD EDWIN THOMPSON,	)	UNPUBLISHED OPINION
	)	
Appellant.	)	FILED: July 30, 2012
_____	)	

Becker, J. — Ronald Thompson stole several motor vehicles and was ordered to pay restitution for damages caused to the vehicles. As to one of these vehicles, he appeals the amount ordered, contending the State failed to show he caused the damages for which repairs were made. Because there is sufficient evidence to support a causal connection between the theft of the vehicle and the damages, we affirm.

According to a report from the State, a Volkswagen was reported stolen in early April 2010. Later that month, a Seattle resident called the police to report a suspicious vehicle, a Volkswagen, near her home. She took pictures of the car and its occupants. Officers arrived to find the car unoccupied. The resident provided the photos. Thompson was identified as one of occupants. Police

were unable to locate Thompson.

The next month, police learned that a driver of a Honda had fled after getting into an accident where the Honda was flipped on its side. The owner reported the Honda stolen. About a week later, another person reported a Lexus stolen. Two days later, an owner reported her 2006 Toyota Camry stolen. The owner was unsure if she left the car unlocked and said she was missing spare keys to the vehicle.

On the same day as the report of the stolen Toyota, police spotted the stolen Lexus. They followed, but lost sight of the Lexus momentarily. They caught up with the Lexus and found it parked and unoccupied. They set up surveillance and waited for someone to return to the Lexus. Thompson appeared and began to enter the car. Police arrested him. Police found a set of Toyota keys on him. Thompson admitted to police that he stole the Lexus along with the Volkswagen, Honda, and Toyota. He admitted to crashing the Honda. He led officers to the stolen Toyota.

The State charged Thompson with one count of possession of a stolen vehicle (the Volkswagen), RCW 9A.56.068 and 9A.56.140, and three counts of theft of a motor vehicle (the Honda, Lexus, and Toyota), RCW 9A.56.065 and 9A.56.020. Thompson pleaded guilty to all four counts. As part of his plea agreement, Thompson agreed to pay restitution on the charged counts. The State requested about \$18,000 in restitution. About \$1,600 was for repairs to the Toyota. Thompson objected to including these costs, contending that there

was no evidence he caused damage to the car. The court found that the State had met its burden of proof as to the restitution amount. Thompson appeals the restitution order for repairs made to the Toyota.

The trial court has authority to order restitution. RCW 9.94A.753(5). Restitution is allowed only for losses that are causally connected to the crimes charged unless the defendant expressly agrees to pay restitution for crimes which he was not convicted. State v. Griffith, 164 Wn.2d 960, 965-66, 195 P.3d 506 (2008). Whether the loss is causally connected to the crime for which the defendant was convicted is a question of law reviewed de novo. State v. Acevedo, 159 Wn. App. 221, 229-30, 248 P.3d 526 (2010). We determine whether a causal connection exists by looking at the facts underlying the defendant's crime. Acevedo, 159 Wn. App. at 230. Losses are causally connected if the victim would not have incurred the loss but for the crime. Acevedo, 159 Wn. App. at 230. There is no causal connection if the loss or damage occurred before the act constituting the crime. Acevedo, 159 Wn. App. at 230.

Thompson argues the State failed to show a causal connection between his theft of the Toyota and the repairs made to the car. In support of this argument, Thompson relies on State v. Oakley, 158 Wn. App. 544, 242 P.3d 886 (2010), review denied, 171 Wn.2d 1021 (2011), and State v. Dauenhauer, 103 Wn. App. 373, 12 P.3d 661 (2000), review denied, 143 Wn.2d 1011 (2001). In these cases, the trial court awarded restitution for uncharged conduct that was

not causally connected with the charged crimes. In Dauenhauer, the defendant was ordered to pay restitution for burglary, including for damages caused to a fence and a truck after he fled the burglary in a Ford Thunderbird. Because the restitution order contemplated damages for acts not part of the burglary charge, we vacated the award. Dauenhauer, 103 Wn. App. at 379-80. Oakley is similar. There, the defendant was convicted of assaults and an attempted drive by-shooting. While fleeing the scene in a car, he damaged a vehicle and a garage door. Because there was no causal connection between the crimes for which he was charged and convicted and the damage to the vehicle and garage, we ordered that portion of the restitution order vacated. Oakley, 158 Wn. App. at 553.

This case is dissimilar. There is no evidence the damage to the Toyota (for which repairs were made) was caused after Thompson stole the car. The Toyota was found on the same day as it was stolen. And unlike Dauenhauer and Oakley, the trial court did not order restitution for uncharged conduct.

Thompson also argues that the evidence was insufficient to show that the repairs were made for damage he caused to the car. He implies that the damage to the car could have happened before he stole it. He analogizes to State v. Hahn, 100 Wn. App. 391, 996 P.2d 1125, review granted and case dismissed, 141 Wn.2d 1025 (2000). There, we held that a summary report itemizing amounts the Department of Social and Health Services paid to various health care providers was insufficient to establish a causal link to the crime.

Hahn, 100 Wn. App. at 399-400. Thompson argues his case is similar because the documents on repairs do not directly link Thompson's theft with the work performed. We disagree. The State relied on more than a simple summary expenditure report. A letter from the owner of the Toyota, dated January 20, 2011, states that the damage to her car did not exist before it was stolen. This fact materially distinguishes this case from Hahn. See State v. Blanchfield, 126 Wn. App. 235, 242, 108 P.3d 173 (testimony from witness was sufficient to support restitution for domestic violence victim's medical expenses), review denied, 155 Wn.2d 1020 (2005). None of the other evidence in the record indicates that the car was damaged or was in need of repairs before Thompson stole it. We conclude there was sufficient evidence to prove that the damage to the car was causally connected with Thompson's theft of the car.

Affirmed.

Becker, J.

WE CONCUR:

Schneider, J.

Cox, J.

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