

Circuit Court for Wicomico County  
Case Nos. C-22-JV-21-000022  
C-22-JG-21-000612

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1101

September Term, 2021

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IN RE: K.D.

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Wells, C.J.  
Friedman,  
Albright,

JJ.

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Opinion by Albright, J.

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Filed: June 21, 2022

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The Circuit Court for Wicomico County, sitting as juvenile court, found K.D., the Appellant, involved in the delinquent act of second-degree assault of D.M. After a restitution hearing, the circuit court entered judgment against K.D., and in favor of D.M., for \$10,000 of D.M.’s resulting medical bills. K.D. noted this appeal, asking “Did the circuit court err in ordering restitution?” For the reasons set forth below, we answer “No” and affirm.

### **BACKGROUND**

In March 2021, the State filed a four-count juvenile delinquency petition against K.D. Count 2 of that petition alleged that K.D. committed what would have been a second-degree assault had she been an adult against D.M., in violation of Section 3-203 of the Criminal Law Article:<sup>1</sup>

[K.D.], on or about the 19th day of January, 2021, at [an apartment in] Salisbury, Wicomico County, State of Maryland, did assault [D.M.] in the second degree in violation of CR 3-203, contrary to the form of the Act of Assembly in such cases made and provided, against the peace, government and dignity of the State.

An adjudicatory hearing on the petition was held in April 2021. At the beginning of the hearing, the State cautioned that it would be requesting restitution from K.D. Specifically, the State explained that it would seek restitution “for medical expenses related to the assault,” and it noted that K.D.’s counsel had already received estimates of the restitution amount (though the numbers were not yet final).

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<sup>1</sup> The other counts were third-degree burglary with intent to commit an assault, second-degree assault (against a different individual), and malicious destruction of property less than \$1,000.

This was not the first time that K.D. heard about the possibility of restitution. She had also received notice on two earlier occasions. First, the State’s juvenile petition itself included a “RESTITUTION NOTICE” advising that restitution would “be demanded” from K.D. Second, the summons issued to K.D. stated that the circuit court could order K.D. to pay restitution “in an amount not to exceed \$10,000.”

After the discussion of restitution at the adjudicatory hearing, K.D. indicated that she wished to enter a plea of “involved” to Count 2 (second-degree assault). The circuit court then asked multiple questions of K.D. concerning her plea. Thus, K.D. answered that she wished to admit that the allegations in Count 2 were true, that she understood the potential sanctions that the circuit court could impose,<sup>2</sup> and that no one had promised her anything to convince her to admit to a second-degree assault. She also stated that she was not under the influence of any alcohol, drugs, or prescription medications. After hearing K.D.’s answers, the circuit court accepted K.D.’s plea to Count 2 (second-degree assault), finding that it was “free, knowing, willing, and voluntary.” The State then made a proffer in support of the plea, outlining facts that satisfied the elements of second-degree assault. This proffer also contained additional background information, including the broader circumstances of the assault and a statement about the victim’s injuries:

On January 19, 2021, officers responded to [an apartment] located in Wicomico County, Maryland[,] in reference to an assault. Upon arrival, officers observed . . . [K.D.], as the person seated at Respondent’s table today, standing outside the front door listed at the apartment. Officers then

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<sup>2</sup> The court explained to K.D. that it could sanction her to probation, electronic monitoring, treatment services, and placement in a juvenile facility. The court also indicated that K.D. could remain in the custody of the Department of Juvenile Services (“DJS”) until she is 21 years old.

made contact with the victim in this case who is [D.M.] and also [another individual]. They advised that [K.D.] is [D.M.’s] cousin. They stated that she arrived at their property. It was believed that she was attempting to pick up a family member,<sup>3</sup> but [D.M.’s family] did not allow that to happen because they were not under the impression that the family member was to be reprimanded to the Respondent. The Respondent then got upset, and then she forcefully entered the apartment and began to attack [D.M.] by punching, kicking and pulling her hair. A struggle ensued whereby they eventually fell on to a bed. While falling on to the bed, [D.M.] stated that the Respondent bit her in the neck, causing a slight abrasion. Officers did observe a distinct bite mark located on the neck of [D.M.]. Further, [D.M.] stated that she did sustain injuries to her neck and right index finger as a result of the altercation. At no point in time did [D.M.] consent to any form of assault. All events did occur in Wicomico County, Maryland.

K.D. was given an opportunity to respond to the State’s proffer with any additions or corrections. Although K.D. made some additions concerning the circumstances of the assault, she said nothing about which of D.M.’s fingers K.D. damaged. The circuit court then found K.D. involved in Count 2 (second-degree assault), and the State entered *nolle prosequi* to the remaining counts pursuant to K.D.’s plea agreement. The circuit court ordered DJS to provide a social history investigation of K.D. and scheduled a disposition hearing.

One month after the adjudication, in May 2021, the circuit court began a disposition hearing. The State again reiterated its request for restitution and suggested that K.D. be placed on probation for that purpose.<sup>4</sup> K.D. disagreed, arguing instead that

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<sup>3</sup> K.D.’s counsel clarified that the family member was K.D.’s sister.

<sup>4</sup> By contrast, DJS recommended “no services” for K.D. If the juvenile court finds that a child does not require services after committing a delinquent act, then the child is not considered to be delinquent. *See* Md. Code Ann. (1974, 2020 Repl. Vol.), Cts. & Jud.

restitution should be handled in a civil case. The circuit court asked how much restitution the State was seeking. In response, it was K.D.’s counsel—and not the State—who answered, advising the circuit court that the State would be seeking the statutory maximum of \$10,000.

The State then addressed the issue. After admitting that the restitution request was “substantial,” the State introduced testimony from D.M. concerning the true extent of her injuries and treatment. D.M. testified that a major tendon connecting her left ring finger to her hand had become disconnected in the assault, requiring at least one emergency room visit and surgery. But surgery was not possible for three months because D.M. first had to undergo physical therapy to reduce the finger’s swelling. After the physical therapy and surgery, which involved a “reconstruction” of D.M.’s left ring finger via a tendon graft, D.M. was still not finished. She required another four months of physical therapy, and the medical bills were still coming in. When it became clear that bills were pending, the circuit court continued the disposition hearing—with K.D.’s consent—for three months, and it ordered an updated social history investigation.

Of course, D.M.’s testimony about her *left*-finger injuries differed from the State’s proffer at the adjudicatory hearing, a proffer which referenced D.M.’s *right* index finger. Nonetheless, K.D. remained silent about that discrepancy throughout the May 2021

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Proc. § 3-8A-01(m). If the child is not delinquent, the juvenile court’s jurisdiction must be terminated. *See In re Charles K.*, 135 Md. App. 84, 99 (2000) (“[A] judge is [not] authorized to retain jurisdiction after expressly finding at the disposition that a juvenile is not in need of services or treatment.”).

hearing: no motion or objection was made concerning the issue, nor was it otherwise brought to the circuit court’s attention at the May 2021 hearing.

Three months passed. Then, in August 2021, the disposition hearing was reconvened. Or more precisely, it began anew. All parties (and the circuit court) agreed that the proceedings of May 2021 would need to start again from the beginning, with the benefit of the updated social history investigation. A restitution hearing was also conducted. The State again called D.M., who recounted the details of the assault, discussed her injuries, and described her medical expenses. Specifically, in answering the State’s questions, D.M. said:

[D.M]: As [K.D.] was trying to insert through my door, she pushed past, and I grabbed her jacket. We both tumbled on the floor. She stomped on me several times on my chest, a few times on my face. By the time we got up, we were about to push out of the house again. She ran towards me. We landed on a little air mattress. That’s where she spit on me, and she bit me on the left side of my ear – well, my cheek, I think it was. And then she said a few foul things to me. And then we finally got her out of the door where I called 911.

[STATE]: And what, if any, injuries did you sustain after that incident?

[D.M.]: Oh, of course. Afterwards, I received my tendon on my finger was detached, basically, meaning that the little tip right here could not be felt or move at all – it still can’t – in addition to the bite mark on my left cheek, and a lot of trauma.

[STATE]: Okay. And when you said your finger, which finger, which hand?

[D.M.]: My left hand on my ring finger, left ring finger.

The State also introduced D.M.’s medical bills, which included the following charges: \$516 for physical therapy for D.M.’s left finger; \$1,503 for an MRI to diagnose

the injury to that finger; and \$11,643.08 for surgery to repair that finger. Other documents were admitted by stipulation to show additional expenses: \$485.51 for an emergency room visit on the day of the assault; \$330.67 for physical therapy during the two months after the assault; and \$15 for radiology services in March 2021. Because her insurance paid only a small portion of her expenses, D.M. was ultimately left with out-of-pocket costs of more than \$10,000.

On cross-examination, K.D.’s counsel raised for the first time the discrepancy between D.M.’s testimony about her left-finger injuries, and the State’s proffer at adjudication concerning D.M.’s right finger. Thus, D.M. was questioned about her conversations with police after the assault and the reference in the police report to D.M.’s right finger—not her left. D.M. testified that she told the responding officers that her left hand was injured and that their report could have been mistaken. Cross examination covered other topics as well, including the lack of police photos of D.M.’s finger injury and D.M.’s delay in obtaining surgery. In response, D.M. stated that she thought the officers had photographed injuries to her face. She also reiterated that her swelling was too severe to allow for immediate surgery.

After considering all the evidence, the circuit court concluded that the State had met its burden of proof, ordered restitution of \$10,000, and concluded that K.D. was not in need of services. In so doing, the court found that the State proved that D.M.’s left-finger injuries directly resulted from K.D.’s second degree assault of D.M.:

The facts and circumstances of this case are very troubling. I did not hear the adjudication. [Another circuit court judge] presided over the adjudication, but I’ve had the benefit of the testimony this morning from

the victim in this case, and also that which is contained in the summary and the social history investigation.

And I appreciate, [K.D.’s counsel], your efforts on behalf of your clients.<sup>[5]</sup> Nonetheless, the court believes that persuasive evidence and testimony before the Court this morning is that the – the bills and charges that were incurred by the victim in this case are directly a result of the actions of the Respondent in this case.

And so I find that the total amount of the bills . . . are directly associated with and tied to the actions of the Respondent, initially, I believe it was on January the 19<sup>th</sup> of 2021.

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After reviewing the social history investigation, the Court finds that [K.D.] is not in need of any services from the Department of Juvenile Services, and so I find her not to be a delinquent child. The case will be closed.

The court will, however, enter judgment in the amount of the statutory cap of \$10,000 in favor of [D.M.].

The circuit court subsequently terminated its jurisdiction over K.D., and the restitution judgment against K.D. was entered under a separate civil case.<sup>6</sup> After timely notices of appeal were filed in both cases, this Court ordered, on its own initiative, that the two cases be consolidated for appeal.

## DISCUSSION

We first outline the parties’ contentions and the relevant standards of review. We then address K.D.’s plea of “involved” to Count 2 (second-degree assault). K.D. does not

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<sup>5</sup> K.D.’s counsel represented K.D. only. K.D.’s mother was not represented by counsel.

<sup>6</sup> The juvenile case was C-22-JV-21-000022 in the Circuit Court for Wicomico County. The civil case, in which the judgment against K.D. was recorded, was C-22-JG-21-000612.

challenge that plea on appeal, but we nonetheless must discuss it briefly, as well as its surrounding circumstances, to provide the necessary context for our analysis. After that, we turn to the parties’ dispute concerning the circuit court’s restitution award.

### **A. The Parties’ Contentions**

K.D. contends that the circuit court erred in ordering restitution for D.M.’s left-finger medical expenses. As we understand her argument, K.D. asserts that because the State only mentioned injuries to D.M.’s right finger (and neck) as part of its factual proffer supporting her plea, the State narrowed the scope of the plea itself. Thus, it became a plea not to second-degree assault, but only to “a second-degree assault resulting in injuries to D.M.’s right index finger and neck.” Reasoning from that modified plea, K.D. argues that the circuit court could not order restitution for D.M.’s left finger. There was not (and could not be) any competent evidence proving a causal relationship between a right-finger plea, and a left-finger injury. Describing the proffer as an essential component of due process in “the guilty plea process,” K.D. says the proffer must “contextualize[]” the scope of restitution. Because it exceeded the proffer, the circuit court’s judgment of restitution is illegal and violates her due process rights.

The State presents a different view. Although it agrees that the factual basis for the plea is an important due process safeguard, it asserts that the factual basis is no “bill of particulars”<sup>7</sup> that defines the full consequences of alleged conduct. Rather, the factual

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<sup>7</sup> See Md. Rule 4-241(a) (“[T]he defendant may file a demand in circuit court for a bill of particulars . . . and shall specify the particulars sought.”); see also *Dzikowski v. State*, 436 Md. 430, 446 (2013) (A bill of particulars is “a formal written statement by the

basis simply serves to ensure that the accused is not convicted of a crime that he or she did not commit. The State points to D.M.’s testimony and the supporting medical bills as competent evidence supporting restitution here. It asserts that this evidence shows not only D.M.’s entitlement to \$10,000 of restitution, but also that D.M.’s left finger injury was the direct result of the January 19, 2021 assault. As such, the State contends that the judgment of restitution is legal, and that K.D.’s due process rights were not violated such that reversal would be warranted.

### **B. Standards of Review**

In evaluating a circuit court’s restitution order, different standards may apply. If the restitution order involves the interpretation or application of Maryland law, we review the order *de novo*. *In re G.R.*, 463 Md. 207, 213 (2019). “First-level findings of fact are reviewed for clear error.” *In re A.B.*, 230 Md. App. 528, 531 (2016). Otherwise, we review both the decision to award restitution and the amount for abuse of discretion. *See id.*; *see also In re G.R.*, 463 Md. at 213 (2019) (“Generally, an appellate court reviews a circuit court’s order of restitution for abuse of discretion.”) (citations omitted). The circuit court does not abuse its discretion unless its decision is “well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *Otto v. State*, 459 Md. 423, 446-47 (2018) (quoting *Evans v. State*, 396 Md. 256, 277 (2006)).

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prosecutor providing details of the charges against the defendant. Its functions are to give the defendant notice of the essential facts supporting the crimes alleged in the indictment or information, and also to avoid prejudicial surprise to the defense at trial.”).

### C. K.D.’s Plea at Adjudication

We start with an argument that K.D. does *not* make here: that she was improperly induced into offering her plea to second-degree assault, or that her plea should otherwise be withdrawn. K.D. simply does not challenge her plea to second-degree assault of D.M. Indeed, from our review of the record, it appears that she never has. This fact will drive much of the relevant analysis.

In many respects, an “involved” plea in a juvenile proceeding is like a guilty plea in an adult criminal proceeding: both are admissions of responsibility for charged conduct, and both are subject to weighty procedural safeguards as a result. One such safeguard is the requirement that an admission of involvement be voluntary and intelligent. As the Court of Appeals has explained, this protection is “fundamental” to the accused’s due process rights, and its absence is sufficient to void a plea. *Metheny v. State*, 359 Md. 576, 601 (2000). Before accepting a plea, a court must examine the accused on the record to determine that the plea is voluntarily made with an understanding of “the nature of the charge and the consequences of the plea . . .” Md. Rule 4-242(c).

As a further safeguard, the court must also hear the factual basis for the plea. Md. Rule 4-242(c). This requirement is designed to ensure “that the accused not be convicted of a crime that he or she did not commit.” *Metheny*, 359 Md. at 602. By hearing the alleged conduct, the court can determine whether the conduct is sufficient, and reduce the risk that the accused will plead “without realizing that his conduct does not actually fall within the charge.” *State v. Thornton*, 73 Md. App. 247, 255 (1987) (cleaned up). Other safeguards in the context of criminal guilty pleas also apply to juvenile cases. *See In re*

*Appeal No. 544*, 25 Md. App. 26, 42-43 (1975) (discussing the application of constitutional guidelines to juvenile cases).<sup>8</sup>

In sum, K.D.’s plea was required to (and did) clear several procedural hurdles before it was accepted by the circuit court. K.D. also declined several opportunities to challenge her plea, both during adjudication and after. *See In re James B.*, 54 Md. App. 270, 277 (1983) (“Although the appellant clearly recognizes his right to withdraw . . . he obviously chooses not to do so now, thus confirming that implicit choice at the adjudicatory and disposition stages of the case.”). Immediately after she offered her plea, for example, K.D. heard the State’s proffer that the victim suffered injuries to her right finger. K.D. did not move to withdraw her plea, nor did she take advantage of her opportunity to correct the proffer or otherwise raise the issue to the circuit court.<sup>9</sup>

Later, at the May 2021 disposition hearing, K.D. heard conflicting testimony from the victim that it was her left finger that was injured, not her right. At that time, K.D. knew both the estimated total cost of restitution and the type of injuries to the victim. Again, K.D. made no motion or objection related to her plea, nor did she bring the

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<sup>8</sup> Maryland Rule 11-107(b), as it existed at the time of K.D.’s plea, specifically implemented some of these rights in juvenile court. Unlike Maryland Rule 4-242(c), however, Rule 11-107(b) did not expressly require that the court find a factual basis for the plea. Because no one has raised it, we do not examine whether Rule 11-107(b) implicitly included such a requirement. Today, Maryland Rule 11-413 guides pleas in juvenile delinquency cases.

<sup>9</sup> Maryland Rule 11-116(a), as it existed at the time of K.D.’s plea, gave the circuit court broad revisory power. This rule has been read to permit post-disposition challenges to a plea. *See In re Elrich S.*, 416 Md. 15, 44 (2010) (juvenile court “appropriately recognized that [Respondent’s] ineffective assistance of counsel claims were a basis for relief under Rule 11-116.”).

discrepancy to the circuit court’s attention. Finally, at the August 2021 hearing, K.D. heard the State’s entire case for restitution, and she again declined to attempt to withdraw her plea. Instead, K.D. opted to challenge the State’s case on the merits. In short, notwithstanding her knowledge of the State’s case (and conflicting statements about the victim’s injured finger), K.D. took her plea as a given. We will do the same.

#### **D. The Restitution Judgment**

The question K.D. presents does not specify a particular ground on which the judgment should be reversed. Nevertheless, K.D. appears to raise multiple grounds in her briefs. We first describe the general principles governing restitution here, and then we address K.D.’s arguments.

Although juvenile causes are not criminal proceedings, “many of the constitutional safeguards afforded [to] criminal defendants are applicable to juveniles.” *In re Anthony R.*, 362 Md. 51, 69 (2000). As such, we have held that the issue of restitution in juvenile cases also implicates due process. *See In re Earl F.*, 208 Md. App. 269, 275-79 (2012). Under the governing statute, a juvenile court may order a child respondent to pay restitution in the following circumstances:

A court may enter a judgment of restitution that orders a . . . child respondent to make restitution in addition to any other penalty for the commission of a . . . delinquent act, if:

(1) . . .

(2) *as a direct result of the . . . delinquent act*, the victim suffered:

- (i) actual medical, dental, hospital, counseling, funeral, or burial expenses or losses;
- (ii) direct out-of-pocket loss;

- (iii) loss of earnings; or
- (iv) expenses incurred with rehabilitation[.]

Md. Code Ann. (2001, 2018 Repl. Vol.), Crim. Proc. § 11-603(a) (emphasis added).

The maximum amount of restitution that can be awarded against a child respondent is \$10,000. *See* Crim. Proc. § 11-604(b). The restitution order must be supported by competent evidence, and the introduction of such evidence triggers a presumption that the victim is entitled to restitution. Crim. Proc. § 11-603(b).

From those statutory provisions and due process principles, we distill three requirements that are relevant here. *First*, restitution must be confined to the scope of the “delinquent” act, meaning that restitution is typically not available outside the scope of the charges that are either proven at an adjudication, or admitted through a plea. *See* Crim. Proc. § 11-603(a); *In re Earl F.*, 208 Md. App. at 278 (looking to the charging document as to the “involved” charges to determine the proper scope of restitution); *cf. Walczak v. State*, 302 Md. 422, 433 (1985) (restitution is only available as to crimes for which a defendant is convicted). *Second*, restitution cannot be ordered unless the State proves, by a preponderance of the evidence, both of the following: (1) that the loss or expense was the direct result of the respondent’s ‘involved’ conduct, and (2) the amount. *Chaney v. State*, 397 Md. 460, 470 (2007); *see also In re Cody H.*, 452 Md. 169, 192 (2017) (“Competent evidence of entitlement to, and the amount of, restitution need only be reliable, admissible, and established by a preponderance of the evidence.”) (quotation and citation omitted). *Third*, an individual subject to restitution must receive sufficient

notice of the request and the amount, as well as a fair opportunity to defend against the request. *Chaney*, 397 Md. at 470.<sup>10</sup> We address each requirement in turn.

Here, the scope of restitution was limited by Count 2. By pleading “involved,” K.D. admitted conduct against a specific victim on a specific date at a specific place. As such, the scope of restitution was set to the losses directly resulting from the second-degree assault of D.M. that occurred on January 19, 2021, at a particular address in Salisbury, Maryland. *Cf. Anderson v. State*, 385 Md. 123, 141 (2005) (“In most cases, the only sensible and workable criterion for determining the nature and scope of the . . . offense is the effective charging document.”). Absent from Count 2 is any mention of injury to the victim, much less the specific kind of injury. Injury is not a required element of second-degree assault. *See State v. Frazier*, 469 Md. 627, 644-45 (2020); *see also* Md. Code Ann. (2002, 2021 Repl. Vol.), Crim. Law § 3-203.

The State’s mention of injury during its proffer did not change Count 2 from second-degree assault to “second-degree assault that injured the victim’s right finger.” In pleading “involved,” K.D. accepted responsibility for the medical expenses directly resulting from her second-degree assault of the victim, *not* only those expenses relating to certain areas of the victim’s body. *See also In re Earl F.*, 208 Md. App. at 278 (noting that a juvenile court is “not limited to the sum alleged in the delinquency petition” and

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<sup>10</sup> In addition, “[a] court need not issue a judgment of restitution . . . if the court finds: (1) that the restitution obligor does not have the ability to pay the judgment of restitution; or (2) that there are extenuating circumstances that make a judgment of restitution inappropriate.” Crim. Proc. § 11-605(a). Here, there was no contention that either of these provisions applies.

may order restitution “based on the victim’s loss”).<sup>11</sup> Moreover, there was no plea agreement here that would have limited restitution to a right-finger injury. In exchange for K.D.’s plea, the State agreed not to prosecute the remaining charges. The State’s mention of a right-finger injury in the proffer was not an agreement to limit restitution to a right-finger injury.<sup>12</sup>

To the extent that K.D. identifies other limits on restitution, those limits were not transgressed here. Of course, restitution cannot be ordered for other counts in the petition absent agreement, *Silver v. State*, 420 Md. 415, 436-37 (2011); for voluntary co-participants in the delinquent conduct, *In re Tyrell A.*, 442 Md. 354, 364-65, 383 (2015); for other victims absent agreement, *Walczak v. State*, 302 Md. 422, 430-33 (1985); or for losses the juvenile did not cause, *In re Levon A.*, 361 Md. 626, 640-41 (2000). And the circuit court did not do so. Restitution for medical expenses directly resulting from the assault of D.M. was within the scope of K.D.’s plea—regardless whether injury occurred to D.M.’s left or right finger.

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<sup>11</sup> Courts outside Maryland have also looked to the relevant charging document to determine the scope of restitution; in the *King* case cited by K.D., the court performed the same analysis. *See King v. State*, --- So. 3d ---, 201 WL 940954, at \*1 & n.1, 4 (Ala. Ct. Crim. App. 2021) (denying restitution for theft of items not listed in the charging document, when other specific items were included and when the theft of certain types of property was an element of the crime).

<sup>12</sup> And even if the State had agreed to limit its restitution request, we doubt that such an agreement would have bound the circuit court. *See in re James B.*, 54 Md. App. at 276. Here, there is no suggestion that the circuit court agreed to be bound.

With regard to the State’s proof, the circuit court properly concluded that D.M.’s medical expenses were the direct result of K.D.’s assault, and that the amount exceeded the statutory cap. D.M. testified about the assault and that the tendon in her left ring finger was detached afterward. The State introduced documents from D.M.’s emergency room visit that day and the medical care she received over the ensuing months. The court ultimately credited this evidence, as it was entitled to do. *See In re Cody H.*, 452 Md. at 192 (“[T]he evidence presented in support of [the] restitution claim is competent if it was reliable, relevant, admissible, and trustworthy.”). In short, this is far from a case where restitution was ordered “entirely out of thin air.” *See Chaney*, 397 Md. at 473. Instead, “competent evidence showed that [the victim] was injured as a result of the assault.” *In re Cody H.*, 452 Md. at 195.

That the State’s proffer mentioned a different finger does not change this conclusion. Even if the State’s proffer functioned as evidence for the restitution hearing, a conclusion we do not reach, the court was not required to credit this evidence over and above, and to the exclusion of, the State’s other evidence. *See In re Gloria H.*, 410 Md. 562, 577 (2009) (“The [c]ircuit [c]ourt was entitled to (1) accept—or reject—all, part, or none of the testimony of any witness, including testimony that was not contradicted by any other witness, and (2) draw reasonable inferences from the facts that it found to be true.”). Thus, the circuit court was entitled to credit D.M.’s testimony about her injury, coupled with the documents showing medical care, instead of the police’s report about what D.M. said on the day of the assault. Ultimately, we perceive no clear error in the

circuit court’s factual findings, nor do we find any abuse of discretion as to the restitution award or amount.

Finally, we address the notice component of due process. As K.D. points out, a respondent must receive notice of the nature and amount of restitution, as well as a fair opportunity to defend against it. *See Chaney*, 397 Md. at 470. The outside-Maryland cases she cites are no different. *E.g., E.D.P. v. State*, 6 So.3d 1248, 1249 (Fla. Dist. Ct. App. 2009) (reversing portion of restitution order concerning theft of a knife, when “the first time the defendant was aware that the victim was seeking restitution for the knife was at the restitution hearing”). The amount of restitution need not be disclosed in the charging document, so long as the respondent receives sufficient notice before the restitution hearing. For example, in *Earl F.*, we affirmed a restitution order even though it exceeded the amount mentioned in the juvenile petition. 208 Md. App. at 272. Among other things, the petition alleged robbery of items worth less than \$100. *Id.* at 271-72. At adjudication, the victim testified to losses over \$100, and the circuit court found the respondent involved in all counts. *Id.* at 272-73. The respondent was ordered to pay \$600 after a restitution hearing. *Id.* at 274. Finding no error, we explained that the respondent had full notice of the amount of restitution:

On this record, we discern no violation of his due process rights. Appellant and his mother were alerted to the fact that the State would attempt to prove an amount of loss greater than the ten dollars cited in the delinquency petition. An amount of loss greater than ten dollars was made clear from [the victim’s] testimony at the adjudicatory hearing. The greater amount was also made clear at the subsequent disposition hearing. In fact, a separate restitution hearing was conducted of the claim of a greater amount, and appellant’s objection. Finally, at the restitution hearing, the amount claimed was made clear. The victim was cross-examined by defense

counsel, and his testimony was clearly sufficient to sustain the juvenile court's findings as to the amount of his loss.

*Id.* at 279.

Here, K.D. received ample notice of the State's restitution claim. By the May 2021 hearing, K.D.'s counsel already knew that the State was seeking the statutory maximum. Additionally, at that same hearing, K.D. learned of the discrepancy between the proffer and D.M.'s testimony (and even received a preview of that testimony). This left K.D. with ample information and three months to prepare her defense. Ultimately, K.D. was able to challenge the State's request through cross-examination of D.M. and closing argument that focused on the discrepancy. There is no indication here that the difference between the factual proffer and D.M.'s testimony prejudiced K.D.'s ability to prepare.

**RESTITUTION JUDGMENT OF  
THE CIRCUIT COURT FOR  
WICOMICO COUNTY AFFIRMED.  
COSTS TO BE PAID BY  
APPELLANT.**