

Circuit Court for Baltimore City  
Case No. 623088002

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND\*

No. 1769

September Term, 2023

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IN RE: T.C.

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Tang,  
Albright,  
Kehoe, S.,

JJ.

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Opinion by Albright, J.

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Filed: November 18, 2024

\*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

T.C., a juvenile, was charged, by way of juvenile petition, with fourteen counts related to his alleged involvement in the theft of a vehicle. At a hearing before a magistrate in the Circuit Court for Baltimore City, T.C. pleaded “involved” to one of those counts, unauthorized use of a vehicle, and the State dismissed the remaining counts.<sup>1</sup> The circuit court, sitting as the juvenile court, subsequently found T.C. delinquent and ordered him to pay restitution to the victim. T.C. appeals from that order, raising a single question for our review: “Did the [juvenile] court err [or abuse its discretion] in ordering restitution?”

Finding no error or abuse of discretion, we answer “no” and affirm.

### **BACKGROUND**

On March 28, 2023, at approximately 4:40 a.m., Jamollidin Aykhodjaev’s vehicle was taken during an armed carjacking. At approximately 10:50 a.m. that same day, T.C. was spotted by the police driving Mr. Aykhodjaev’s stolen vehicle. A traffic stop was conducted, and, following a brief foot chase, T.C. was apprehended.

T.C. was subsequently charged as a juvenile with fourteen counts, including unauthorized use of a motor vehicle in violation of Section 7-203 of the Criminal Law Article (“CL”) of the Maryland Code. Under that statute, a person may not, without the permission of the owner, “take and carry away from the premises or out of the custody of

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<sup>1</sup> In juvenile proceedings, a respondent’s plea is generally termed as “involved” or “not involved,” as opposed to “guilty” or “not guilty.” *In re Cristian A.*, 219 Md. App. 56, 62 n. 6 (2014).

another or use of the other ... any property, including ... a motor vehicle[.]” CL § 7-203(a).

On April 24, 2023, a hearing was held before a magistrate. At that hearing, T.C. admitted his involvement in the delinquent act of unauthorized use of a motor vehicle. A statement of facts was then read into the record, the relevant portions of which were as follows:

. . . On [March 28, 2023], at approximately 1050 hours, Detective Waydry (phonetic), a member of the regional auto theft team, RATT, was part of an auto theft detail in the southern district of Baltimore City. Detective Waydry received information earlier that a stolen silver 2020 Toyota RAV4 SUV ... was traveling in the areas of Harman Avenue and Pierpont Street of the Southern District.

. . .

The above-listed vehicle came back as being owned by the reporting person/victim, Mr. Jamollidin Aykhodjaev. At this time, Detective Rajer (phonetic) ... observed a silver Toyota RAV4 SUV conduct a right turn from the Pierpont Street onto the 2400 block of Harman Avenue at a high rate of speed towards Hollins Ferry Road.

. . .

Baltimore County’s Aviation Unit, AIR 1, with TFO Denny arrived overhead of the vehicle and began to relay the direction of travel of the stolen vehicle. The vehicle was followed to the 2200 block of Presbury Street where the vehicle pulled into a rear alley. Baltimore County’s AIR 1 relayed that a young . . . male was exiting the driver’s seat of the vehicle, left the vehicle in gear and began to run away from the vehicle down an adjacent alley wearing a distinctive purple hoodie.

The young unknown . . . male with a distinct purple hoodie exited the alley and ran towards Carver Vocational High School, 2201 Presstman Street. The young unknown . . . male ran directly into the front doors of the Carver Vocational High School with RATT detectives in close foot pursuit.

. . .

Mr. Ronald Wallace, 12th grade administrator, located Room 233 where he suspected the unknown juvenile fled inside. Mr. Wallace unlocked the door and immediately pointed at the unknown juvenile that did not belong inside of the classroom. Detective Rajer cuffed and arrested the unknown

juvenile as he tried to hide behind a large television while he was still attempting to FaceTime on his cell phone.

The juvenile was taken to the hallway where he was identified as [T.C.], age 15, by school staff that was familiar with [T.C.]

...  
The silver 2020 Toyota RAV4 SUV ... has an estimated value of 30,000 dollars and was towed with keys to the Baltimore City Police Department’s Western District by Mcdels Truck No. 15 to be processed by the BPD’s Crime Lab.

... Mr. Jamollidin Aykhodjaev did not give anyone permission to use his vehicle and his vehicle was stolen in an armed carjacking on March 28, 2023 at approximately 0440 hours. All events occurred within Baltimore City limits, state of Maryland.

Based on those facts, the magistrate found that, “on or about March the 28th, 2023 at 1050 hours,” T.C. “did take and carry away a certain motor vehicle, . . . the property of Mr. Jamollidin Aykhodjaev with the intent to then and there deprive the owner temporarily of the use and possession of said property in violation of Criminal Law Article Section 7-203.” The magistrate then proceeded to disposition, at which time the parties indicated that the State was seeking restitution and that the T.C. wished to have a restitution hearing. The magistrate thereafter found T.C. delinquent and ordered that a restitution hearing be held.

At the restitution hearing that followed, the magistrate took judicial notice of the statement of facts that were read into the record at the adjudication hearing. The magistrate then heard testimony and received documentary evidence from Mr. Aykhodjaev regarding the taking of his vehicle and the losses he had purportedly suffered as a result.

According to that evidence, Mr. Aykhodjaev, an Uber driver, had just dropped off a fare and was stopped at a stoplight when he observed a “silver/tan Acura cut in front of [his vehicle].” Immediately thereafter, two unidentified individuals, one of whom was armed with “a semiautomatic weapon,” ran up to Mr. Aykhodjaev’s vehicle, opened his vehicle’s door, and “started beating [him].” Mr. Aykhodjaev was pulled from his vehicle, at which point he ran away and tried to flag down a passing motorist. Mr. Aykhodjaev then “turned up and looked around” and noticed that his vehicle “was not there anymore.”

Approximately ten to fifteen days later, Mr. Aykhodjaev received a call from the police indicating that his vehicle was at the police precinct. Upon going to the precinct, Mr. Aykhodjaev observed that his vehicle “was all beaten up” and “was basically a wreck.” Mr. Aykhodjaev eventually had his vehicle repaired, for which he had to pay an insurance deductible of \$1,000.00. Mr. Aykhodjaev reported that the repairs took approximately one week and that, during that time, he had to use a rental car so that he could continue working as a ride-share driver. The cost of the rental for that week was \$260.07.

Mr. Aykhodjaev also reported that, when he retrieved his vehicle from the police precinct, he observed that several items had been taken from inside the vehicle. Those missing items included a video recording device, an anti-radar device, and a cell phone. Mr. Aykhodjaev estimated that the video recording device and the anti-radar device each

cost “plus, minus 200 dollars.” Regarding the cost of Mr. Aykhodjaev’s cell phone, the State provided a \$869.92 bill from his cell phone company.<sup>2</sup>

B.B., T.C.’s mother, testified that she had six children, including T.C., that she earned a modest salary, and that, after paying bills and living expenses, she did not have any money left over at the end of each month. B.B. testified that she was T.C.’s sole provider and that T.C. did not currently have a job. B.B. stated that T.C. had recently applied to YouthWorks,<sup>3</sup> but he was not accepted. B.B. added that, were T.C. to become employed, she would continue to support him, so that the money he earned would be “extra.”

At the conclusion of the evidence, the State argued that T.C. should be required to pay restitution to Mr. Aykhodjaev for the damage to his vehicle, for the cost of the rental car, and for the missing cell phone, anti-radar device, and camera. T.C.’s counsel argued that T.C. should not be required to pay restitution because there was no evidence that any of the claimed losses were caused by T.C. or were a direct result of the delinquent act for which T.C. was found involved. T.C.’s counsel also argued that the State had failed to present sufficient evidence of T.C.’s ability to pay restitution.

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<sup>2</sup> Mr. Aykhodjaev later explained that prior to his cell phone being stolen, he had been paying for it in installments and had not yet paid it off. From the exhibit, it appears that the \$869.92 figure included amounts Mr. Aykhodjaev still owed for the stolen cell phone, among other charges.

<sup>3</sup> YouthWorks is a program that connects young people with employers seeking summer help. <https://moed.baltimorecity.gov/youth-services/summer-jobs> (last visited September 14, 2024).

In the end, the magistrate found that T.C. was not responsible for the camera and the anti-radar device because the State had failed to present competent evidence of the value of those items. The magistrate found, however, that T.C. was “directly responsible” for “the deductible, the phone and the rental” and that he was “responsible for restitution” as to those items.

Following the restitution hearing, the juvenile court entered an order adopting the magistrate’s recommendations. In that order, the court stated the following regarding restitution:

The court has made a reasoned inquiry into the age, circumstances and ability of [T.C.] to pay restitution. The court was presented with competent evidence that [T.C.’s] actions directly caused the victim to suffer out-of-pocket losses; [T.C.] is sixteen years old; there are no indications that [T.C.] is mentally or physically incapable of obtaining employment; and the court has jurisdiction over [T.C.] under this subtitle until [he] reaches 21 years of age unless terminated sooner.

Restitution can compensate the victim who has suffered property loss as a result of the wrongful act of [T.C.] and impress upon [T.C.] the gravity of harm that he has inflicted upon the victim while also providing an opportunity for [T.C.] to make amends. The court is responsible for promoting the rehabilitation of [T.C.] and for ensuring that the restitution order is fair and reasonable. Therefore, [T.C.] is responsible for the following amount owed to the victim, Jamollidin Aykhodjaev: \$1000.00 (deductible), weekly car rental (\$260.00) and phone (\$869.92): \$2,129.92.

This timely appeal followed. Additional facts will be supplied as needed below.

### **STANDARD OF REVIEW**

Generally, we review a court’s restitution order for abuse of discretion. *In re G.R.*, 463 Md. 207, 213 (2019). Where, however, the court’s order “involves an interpretation

and application of Maryland statutory and case law, we review its decision *de novo*.” *Id.* (cleaned up).

## DISCUSSION

T.C. contends that the juvenile court erred in ordering him to pay restitution to the victim for the damage to the victim’s vehicle, the loss of the victim’s cell phone, and the cost of the victim’s rental car. T.C. raises two main arguments: first, that there was no evidence establishing that his actions directly caused the victim’s losses; and second, that the State failed to present sufficient evidence of his ability to comply with the restitution order.

For reasons to follow, we find no merit to either of T.C.’s arguments. We hold that the juvenile court did not err or abuse its discretion in ordering restitution.

**I. The damage to Mr. Aykhodjaev’s vehicle, the loss of his cell phone, and the cost of the rental car were all a direct result of T.C.’s unauthorized use of Mr. Aykhodjaev’s vehicle.**

**A. Parties’ Contentions**

T.C. first argues that he should not be required to pay restitution because the delinquent act for which he was found involved—unauthorized use of a motor vehicle—did not directly cause the victim’s losses. Regarding the victim’s cell phone, T.C. contends that there was no proof he was involved in the original taking of the victim’s vehicle and that, moreover, he was not found involved in that crime. As to the damage to the victim’s vehicle, T.C. contends that there was no evidence as to how and when the vehicle was damaged, much less any evidence that he caused the damage. As to the rental



car costs, T.C. contends that he “did not directly cause the loss of the use of the [stolen vehicle] for the 10-15 days the car sat in the impound lot; [the Baltimore Police Department’s] failure to communicate with Mr. Aykhodjaev directly caused this loss.” In support of his arguments, T.C. relies on several cases, most notably, *Williams v. State*, 385 Md. 50 (2005), *Pete v. State*, 384 Md. 47 (2004), *In re Levon A.*, 124 Md. App. 103 (1998),<sup>4</sup> and *In re Jason W.*, 94 Md. App. 731 (1993).

The State argues that the juvenile court’s restitution order was proper. The State contends that the evidence presented at the restitution hearing permitted a reasonable inference that T.C.’s unauthorized use of the stolen vehicle caused the victim’s losses.

**B. Analysis**

In a criminal or juvenile delinquency proceeding, a court may enter a judgment ordering a defendant or juvenile to make restitution if: “(1) as a direct result of the crime or delinquent act, property of the victim was stolen, damaged, destroyed, converted, or unlawfully obtained, or its value substantially decreased[.]” Md. Code, Crim. Proc. (“CP”) § 11-603(a)(1); *see also* Md. Code, Cts. & Jud. Proc. § 3-8A-28. The court may also award restitution if, “as a direct result of the crime or delinquent act, the victim suffered ... direct out-of-pocket loss[.]” CP § 11-603(a)(2). A victim is presumed to have a right to restitution if: “(1) the victim or the State requests restitution; and (2) the court is presented with competent evidence of any item listed in subsection (a) of this section.” CP § 11-603(b). Whether a victim is entitled to restitution, and the amount of that award,

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<sup>4</sup> *Reversed on other grounds by In re Levon A.*, 361 Md. 626, 641 (2000).

are facts that must be proven by a preponderance of the evidence. *Juliano v. State*, 166 Md. App. 531, 540 (2006). Once that standard is met, a court should award restitution unless the court determines that such an award is inappropriate under the circumstances. *Id.* at 542. A judgment of restitution may be deemed inappropriate 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.” CP § 11-605(a). “On appeal, the juvenile has the burden of establishing that the restitution awarded by the juvenile court was erroneous.” *In re John M.*, 129 Md. App. 165, 175 (1999), *superseded by statute on other grounds, as stated in McDaniel v. State*, 205 Md. App. 551, 564 (2012).

Clearly, a court’s authority to award restitution is circumscribed by the requirement that the victim’s loss be a “direct result” of the crime or delinquent act. CP § 11-603(a); *accord State v. Stachowski*, 440 Md. 504, 513 (2014) (“Determining whether an injury is a ‘direct result’ of the criminal conduct is central traditionally to mapping the outer limits of a trial court’s discretion in ordering restitution in most cases.”). As our Supreme Court has explained, restitution may be ordered “only where the injury results from the actions that made the defendant’s conduct criminal” and “only for the criminal conduct for which the defendant was convicted.” *Stachowski*, 440 Md. at 513. In other words, a court must find “a direct result between the qualifying crime committed and the damages inflicted before restitution may be ordered,” and “[a]ny attempt by a court to craft a proximate causation, mere nexus, or single charging document substitute would be

clearly contrary to the plainly-worded intent of § 11-603.” *Pete v. State*, 384 Md. at 61. “[S]omething is a ‘direct result’ where there is no intervening agent or occurrence separating the criminal act and the victim’s loss.” *In re Cody H.*, 452 Md. 169, 195 (2017).

Here, T.C. was found to have committed the delinquent act of unauthorized use of a motor vehicle in violation of CR § 7-203. That statute reads, in pertinent part: “Without the permission of the owner, a person may not take and carry away from the premises or out of the custody of another or use of the other, or the other’s agent, or a governmental unit any property, including ... a motor vehicle[.]” CL § 7-203(a).

At the restitution hearing, the juvenile court was presented with the following relevant evidence. On March 28, 2023, at approximately 4:40 a.m., two unidentified individuals stole Mr. Aykhodjaev’s vehicle during an armed carjacking in Baltimore City. Approximately six hours later, T.C. was seen by the police in Baltimore City driving Mr. Aykhodjaev’s stolen vehicle. No one else was in the vehicle with T.C. When the police attempted a traffic stop of the stolen vehicle, T.C. exited the vehicle and fled into a nearby school, leaving the vehicle in gear. T.C. was apprehended by the police shortly thereafter, and Mr. Aykhodjaev’s vehicle was towed to the police impound lot for processing. Approximately two weeks later, the police contacted Mr. Aykhodjaev and informed him that his vehicle had been recovered. When Mr. Aykhodjaev went to the police impound lot to retrieve his vehicle, he discovered that his vehicle “was all beaten up” and “was basically a wreck.” Mr. Aykhodjaev also discovered that several items,

including his cell phone, had been taken from inside the vehicle. Mr. Aykhodjaev took his vehicle to a repair shop and had the vehicle repaired, which took approximately one week. During that week, Mr. Aykhodjaev had to rent a car so that he could continue working as a ride-share driver. The cost of the rental for that week was \$260.07.

We hold that the juvenile court did not err in finding that T.C.’s delinquent act—the unauthorized use of Mr. Aykhodjaev’s vehicle—directly caused the losses for which Mr. Aykhodjaev was awarded restitution. From the evidence presented at the restitution hearing, it was reasonable for the court to infer that Mr. Aykhodjaev’s cell phone was stolen and his vehicle damaged at some point between the initial carjacking and when the vehicle was recovered by the police several hours later, after T.C. abandoned the car and attempted to flee from the police. Although Mr. Aykhodjaev did not discover the damage to the vehicle or the missing cell phone until approximately two weeks after it was initially recovered by the police, there was no evidence suggesting that his vehicle was damaged or his cell phone taken while the vehicle was in police custody. On the other hand, ample evidence was presented suggesting that those losses were attributable to T.C. T.C. was found driving Mr. Aykhodjaev’s vehicle a mere six hours after the vehicle was initially taken, and T.C. later admitted to, and was found involved in, taking the vehicle without Mr. Aykhodjaev’s permission. T.C. was the only person found driving the vehicle, and he was the only person identified as being involved in the vehicle’s taking. When the police attempted to stop T.C. upon discovering him driving the stolen vehicle, he fled, which suggests a consciousness of guilt. In addition, when T.C. fled, he left the

vehicle in gear, which suggests, at the very least, that T.C. had little regard for the condition of the vehicle or its contents. Given that evidence, the court properly concluded that Mr. Aykhodjaev’s vehicle was damaged and his cell phone taken as a direct result of T.C.’s delinquent act.

As to the rental car costs, T.C. insists that he was ordered to pay restitution “for the 10-15 days [Mr. Aykhodjaev’s vehicle] sat in the impound lot.” He is mistaken. The juvenile court ordered T.C. to pay \$260.00 for the cost of the rental car, and that amount coincided directly with the \$260.07 that Mr. Aykhodjaev had to pay for the rental car while his vehicle was being repaired. Because the damage to Mr. Aykhodjaev’s vehicle and the subsequent repair were direct results of T.C.’s delinquent act, the cost of the rental car was clearly a compensable “direct out-of-pocket loss.” CP § 11-603(a)(2); *see also In re Cody H.*, 452 Md. 169, 183–91 (2017) (discussing a court’s authority to award restitution for “losses” suffered by a crime victim). The court did not err.

As to the cases cited by T.C., we are not convinced that those cases are applicable here. In *In re Jason W.*, a juvenile was seen by the police driving a motorcycle without registration tags, and, when the police attempted to stop the motorcycle, the juvenile fled. 94 Md. App. at 732. During the ensuing chase, one of the pursuing officers lost control of his vehicle and crashed. *Id.* at 733. The juvenile was apprehended, and he was later found involved in the delinquent act of operating an unregistered motor vehicle. *Id.* The juvenile and his mother were ordered to pay restitution for the damage to the police cruiser. *Id.* at 734–35. This Court subsequently reversed, holding that neither the juvenile

nor his mother could be ordered to pay restitution. *Id.* at 737. We noted that the juvenile did not actually cause the damage to the car; rather, the deputy caused the damage when he crashed during the chase. *Id.* We also noted that the accident and subsequent damage did not occur during, or as a result of, the delinquent act (operating an unregistered motor vehicle) in which the juvenile was found involved. *Id.*

In *In re Levon A.*, fifteen-year-old John stole a vehicle and, while driving that vehicle, observed Levon, another juvenile, walking home from school. 124 Md. App. at 112. John stopped the vehicle and offered Levon a ride, and Levon got into the vehicle’s passenger seat. *Id.* When a police vehicle subsequently began following the stolen vehicle, John tried to elude the officer and ended up crashing the vehicle. *Id.* Both juveniles were apprehended, and Levon was later found involved in the delinquent act of unauthorized use of a motor vehicle. *Id.* at 112–13. Levon and his mother were ordered to pay restitution for, among other things, “certain items of personal property that most likely were damaged or stolen in connection with the [initial] theft[.]” *Id.* at 136–37. This Court reversed that portion of the judgment, holding that neither Levon nor his mother could be made to pay restitution for damages that occurred during the original theft of the vehicle, as it was undisputed that Levon was not involved in that act. *Id.* at 137.

In *Pete v. State*, the defendant was convicted of assault and reckless driving after he struck a woman during an argument and subsequently led the police on a high-speed chase. 384 Md. at 51–53. As part of his sentence, the defendant was ordered to pay restitution for damage done to one of the police vehicles that was involved in the chase.

*Id.* at 53. After this Court affirmed that portion of the judgment, the Supreme Court of Maryland reversed, holding that restitution could not be ordered for the reckless driving conviction, as it did not constitute a crime for which restitution could be ordered, nor could restitution be ordered for the assault conviction, as the damage done to the police vehicle was not a direct result of that conviction. *Id.* at 55–61. Regarding the latter part of its decision, the Court explained that “the collision with, and resultant damage[] to[, the police vehicle] are a direct result of [the defendant’s] reckless driving, not his assault on [the victim].” *Id.* at 61. The Court added: “It is easy to see on this record that the damage to the police cruiser could not be a direct result of the assault on another individual that occurred approximately two hours earlier than the vehicle collision.” *Id.*

Finally, in *Williams v. State*, the defendant was arrested and charged following allegations that he had stolen several motorcycles. 385 Md. at 51–52. The motorcycles were eventually recovered and taken to the police impound lot, where it was discovered that three of the motorcycles, all of which belonged to the same victim, were improperly titled. *Id.* at 52–53. When the victim attempted to retrieve the motorcycles from the impound lot, the police refused to release them due to the improper titling, and the victim had to pay \$1,500.00. *Id.* at 53–54. Eventually, the defendant pleaded guilty to theft and, as part of his sentence, was ordered to pay \$1,500.00 in restitution to the victim. *Id.* While the case was pending in this Court, the Supreme Court of Maryland granted *certiorari*, and the Court eventually vacated the restitution judgment, holding that the victim’s \$1,500.00 loss was not a direct result of the crime. *Id.* at 63. The Court explained

that, although there was certainly a causal link between the theft and the motorcycles ending up in the impound lot, the theft did not actually cause the loss; rather, the loss was directly attributable to the victim’s failure to properly title the motorcycles. *Id.* The Court added that the victim’s “failure to produce proof of ownership to secure release of the vehicles [was] in no way a direct result of their underlying theft.” *Id.* at 62. The Court concluded that any loss suffered by the victim was “not represented in the record by any damage to or loss of value caused directly by the theft.” *Id.* at 63.

Turning back to the instant case, it is clear that the cases cited by T.C. are inapposite. In each of those cases, the reviewing court was presented with affirmative, undeniable proof that the loss at issue was caused by some event other than the criminal or delinquent act for which restitution was ordered. In other words, the restitution orders in those cases were unwarranted not because of a lack of direct evidence as to the restitution obligor’s role in the losses, which is how T.C. would like us to read those cases, but rather because the record clearly showed that the losses were not a direct result of the restitution obligor’s criminal or delinquent act. Here, we are not faced with the same dilemma. Although it is certainly possible that the losses in the instant case were caused by some unknown event, there is absolutely no evidence from which the court could reasonably infer that such an event caused the damages. On the other hand, ample evidence was presented from which the court could reasonably infer that T.C.’s unauthorized use of Mr. Aykhodjaev’s vehicle caused the losses for which restitution was ordered. For those reasons, T.C.’s reliance on the aforementioned cases is misplaced.



In sum, we hold that the damage to Mr. Aykhodjaev’s vehicle, the loss of his cell phone, and the cost of the rental car were all a direct result of T.C.’s unauthorized use of Mr. Aykhodjaev’s vehicle. As such, the juvenile court did not err in finding that those losses were subject to restitution from T.C.

**II. The juvenile court did not err or abuse its discretion in ordering restitution.**

**A. Parties’ Contentions**

T.C. next asserts that the juvenile court erred in ordering restitution because the State failed to meet its burden, under Maryland Rule 11-422, in proving that T.C. had the ability to comply with the restitution order. T.C. also argues, in the alternative, that the court abused its discretion in ordering restitution because the record lacked sufficient evidence of T.C.’s ability to comply with the restitution order.

The State disputes T.C.’s contention that the burden was on the State to prove T.C.’s ability to comply with the restitution order. The State argues that the relevant authority requires only that the court make a “reasoned inquiry” into a juvenile’s ability to pay before restitution may be ordered and that the burden is on the juvenile to show his inability to pay. The State contends that the juvenile court made such an inquiry and that T.C. presented no evidence of his inability to pay. The State argues, therefore, that the court did not abuse its discretion in ordering restitution.<sup>5</sup>

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<sup>5</sup> In arguing that the evidence was sufficient to show that T.C. had the ability to comply with the restitution order, the State relies on statements made during the restitution hearing by T.C.’s mentor and a representative from the Department of Juvenile Services. We have reviewed the transcript of the restitution hearing, and we conclude that the State’s reliance on those statements is misplaced. The statements were made after the

**B. Analysis**

As previously discussed, whether a victim is entitled to restitution, and the amount of that award, are facts that must be proven by a preponderance of the evidence. *Juliano*, 166 Md. App. at 540. Once that standard is met, a court should award restitution unless 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.” CP § 11-605(a).

In a juvenile delinquency proceeding, however, an order of restitution is subject to additional requirements. Pursuant to Maryland Rule 11-422, restitution may not be ordered unless, among other things, “sufficient evidence is admitted of the individual’s ability to comply with the restitution order.” Md. Rule 11-422(g)(1)(D). Furthermore, it is well-settled that, because one of the fundamental purposes of restitution is rehabilitation, a court ordinarily should not impose a restitution amount that exceeds a juvenile’s ability to comply. *In re Don Mc.*, 344 Md. 194, 203 (1996). Thus, a juvenile court must engage in a “reasoned inquiry” into a juvenile’s ability to pay before ordering the juvenile to pay restitution. *In re Delric H.*, 150 Md. App. 234, 251 (2003) (citing *In re Don Mc.*, 344 Md. at 203).

Here, the record shows that the juvenile court conducted a reasoned inquiry into T.C.’s ability to pay and that sufficient evidence was presented of T.C.’s ability to comply with the restitution order. Although there was no evidence that T.C. was

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evidentiary portion of the restitution hearing had ended and after the magistrate had made his recommendation regarding restitution.

employed at the time of the restitution hearing, T.C.’s mother testified that she supported T.C. financially and that any money he earned were he to become employed would be “extra.” The evidence also showed that T.C., who was sixteen years old at the time of the restitution hearing, had approximately five years to comply with the restitution order, and there was no evidence that T.C. was incapable of obtaining employment. *See In re A.B.*, 230 Md. App. 528, 536–37 (2016) (holding that the trial court did not abuse its discretion in ordering a juvenile to pay restitution, where the juvenile was “a 15-year-old ninth grader” and “had five and a half years to fulfill the restitution obligation”). Based on the record before us, we perceive no abuse of discretion in the court’s decision.

**JUDGMENT OF THE CIRCUIT COURT  
FOR BALTIMORE CITY AFFIRMED;  
COSTS TO BE PAID BY APPELLANT.**