



**ARIZONA SUPREME COURT  
ORAL ARGUMENT CASE SUMMARY**



**STATE OF ARIZONA v. VIVEK PATEL  
CR-19-0366-PR  
247 Ariz. 482 (App. 2019)**

**PARTIES AND COUNSEL:**

*Petitioner/Appellee:* Vivek Patel (“Patel”)

*Respondent/Appellant:* The State of Arizona (“the State”)

*Amicus Curiae:* Arizona Attorneys for Criminal Justice, Maricopa County Office of  
(for Petitioner) Legal Defenders, Maricopa County Office Of Public Advocate

*Amicus Curiae:* Arizona Attorney General, Arizona Crime Victim Rights Law  
(for Respondent) Group and National Crime Victim Law Institute

**FACTS:**

After a bench trial in municipal court, Patel was found guilty of causing a collision that resulted in serious injury or death, in violation of A.R.S. § 28-672(A), and responsible for failing to yield while turning left, in violation of A.R.S. § 28-772.

At the restitution hearing, the victim testified about his injuries and expenses. The trial court found that the restitution cap contained in A.R.S. § 28-672(G) was unconstitutional because it violated the Victims’ Bill of Rights (“VBR”) and ordered Patel to pay a restitution amount that was over the statutory cap. *See* Ariz. Const. art. 2, § 2.1.

Patel appealed, and the superior court held that it was an abuse of discretion to enter a restitution amount in excess of the statutory cap. The superior court reversed the municipal court’s restitution order. The State filed an appeal.

The Court of Appeals held that the right to restitution guaranteed in the VBR equally applied to victims injured or killed by a defendant who is convicted of violating A.R.S. § 28-672(A) and the restitution cap in subsection G violates the Arizona Constitution. The Court of Appeals reversed the superior court’s restitution order and reinstated the municipal court’s restitution order. Patel filed a petition for review.

**ISSUES:**

The Supreme Court granted review as to the following issue: Does A.R.S. § 28-672(G) violate the Victims' Bill of Rights, Ariz. Const. art. 2, § 2.1 (A)(8), by capping victim restitution?

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