



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



**A.B. v. HON. STEVEN LYNCH/G.O.,
CV-16-0192-PR**

PARTIES:

Petitioner: A.B.

Respondent/Real Party in Interest: G.O.

FACTS:

G.O., while traveling westbound on Broadway Road in Mesa, Arizona, failed to yield to oncoming traffic before making a left turn onto South Date. Due to G.O.'s failure to yield, Petitioner A.B., who was traveling eastbound on Broadway Road on his motorcycle, sustained serious physical injuries when he was struck by the truck G.O. was driving. G.O., a juvenile at the time of the offense, was charged with causing serious physical injury by a moving violation in violation of Arizona Revised Statutes ("A.R.S.") § 28-672.

A.B. was transported by ambulance to a trauma center for treatment of his injuries. Although A.B. was released from the hospital approximately a week later, he sustained life-changing physical injuries that have impacted his ability to go back to work. Lost wages aside, A.B.'s economic losses include medical bills, property damage, and the cost of attending court proceedings. As juvenile proceedings commenced against G.O., A.B. submitted a verified victim statement that calculated his economic loss as of September 2015 to be over \$200,000. Because A.R.S. § 28-672(G)¹ limits restitution to \$10,000, the State did not require A.B. to submit any additional statements beyond September 2015.

In June 2016, G.O. was adjudicated delinquent. When the matter proceeded to disposition, A.B.'s private counsel objected to the juvenile court limiting restitution to \$10,000 as required by statute because it violated A.B.'s constitutional right to prompt restitution under the Arizona Constitution, article II, § 2.1(A)(8) and because the right to restitution meant the right to full restitution. A.R.S. § 13-603(C). During the disposition, the State elicited testimony from A.B. that supported the economic losses indicated on his verified victim statement. A.B. was cross-examined by G.O.'s counsel. Despite the court's finding that A.B.'s economic losses exceeded the statutory limit imposed by A.R.S. § 28-672(G), restitution was ordered in accordance with the statute. A.B. thereafter filed a petition for special action on June 24, 2016, alleging that because his economic losses exceeded the \$10,000 restitution order, his constitutional and statutory rights to receive prompt and full restitution were violated and impermissibly narrowed by A.R.S. § 28-

¹ The statute provides: "Restitution awarded pursuant to section 13-603 as a result of a violation of this section shall not exceed ten thousand dollars." A.R.S. § 28-672(G).

672(G).

In an order filed July 12, 2016, the court of appeals declined to accept jurisdiction over A.B.'s special action.

ISSUE FOR WHICH REVIEW WAS GRANTED:

Whether A.R.S. § 28-672(G), which limits the amount of restitution trial courts can order to a victim of a serious physical injury or death by moving violation to \$10,000, regardless of a victim's actual economic loss, is unconstitutional?

This Summary was prepared by the Arizona Supreme Court Staff Attorneys' Office solely for educational purposes. It should not be considered official commentary by the Court or any member thereof or part of any brief, memorandum or other pleading filed in this case.