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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

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STATE OF UTAH Plaintiff,  vs.  X  Defendant.	MOTION FOR RESTITUTION   Case No. X  Judge Michele Christiansen
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COME NOW, X, on behalf of P.L., the victim in the above-named case, and moves that this court issue an order pursuant to U.C.A. §§ 77-38a-301, 77-38a-302, and 77-38a-102(14)(a) requiring the above-named defendant to reimburse the victim for losses detailed below, which have been or will be incurred as a result of the defendant physically assaulting her on February 23, 2008 in the presence of her children. The defendant entered guilty pleas on October 20, 2008 to one count of domestic violence assault and one count of domestic violence in presence of a child. At that hearing, counsel for the victim informed the Court on the record that although two counts of domestic violence in presence of a child were being dismissed as part of a plea resolution

agreement, that for restitution purposes there were in fact three children who witnessed the assault. The victim's total restitution request is \$951.16, and she further requests that restitution be left open during the probation period so that she can request reimbursement for future related medical costs for herself, for lost wages for future medical treatment requiring time away from work, and for future mental health counseling costs for herself and for her children who witnessed the assault.

### **Medical**

Due to the severity of the assault, the victim required hospitalization and substantial medical care, and she may require surgery and/or ongoing treatment for the injury to her neck and upper spine caused by the assault. While there have been substantial medical costs, thus far those costs have largely been paid by the Office of Crime Victim Reparations or by the victim's insurance provider and the victim's out-of-pocket costs have been limited.

However, the victim has paid \$5 each for several copays for prescription medication required by her injuries for the assault and the related pain: one for a pain reliever, one for a muscle relaxant, and one for a sleeping aid, for a total of \$15.00. She also currently has an outstanding balance of \$30 with an orthopedic surgeon who is treating her neck injury. She therefore requests \$45.00 for past out-of-pocket medical expenses, and asks that restitution be left open for her to request reimbursement for any future out-of-pocket medical costs related to the assault.

### **Travel**

The victim has traveled to and from court to attend seven hearings in the criminal case and one civil protective order hearing (for the protective order she received based on

the assault in this case). Each trip to the courthouse required 24 miles of travel (round trip). Based on the 2008 federal mileage reimbursement rates (50.5 cents per mile for the first two criminal hearings and the protective order hearing, and 58.5 cents per mile for the other five hearings), the victim is requesting a total of \$106.56 for those eight trips. Additionally, the victim incurred out-of-pocket parking costs for her time at court. She is requesting \$22.00 for parking fees incurred (\$8 for one hearing, \$4 for one hearing, and \$2 for each of the other six hearings).

### **Lost Wages**

The victim works 8 hours per day and earns \$10.60 per hour. Due to the severity of her injuries, the victim missed three days of work after the assault for hospitalization and doctor-ordered bed rest. She also missed work to attend seven hearings in the criminal case and to attend the hearing in the related civil protective order case. On each of those occasions, she missed approximately a half-day of work. For the three full days of work for which she had to use the equivalent of vacation time, and for the eight days for had to use approximately a half-day's worth of vacation time, the victim requests a total of \$593.60. She further requests that restitution be left open so that she may request restitution for future significant lost wages resulting from medical care required due to the ongoing effects of the assault.

While the victim has lost additional work for other related reasons, including medical visits, time spent preparing her civil protective order petition, and because she has needed to leave work early on occasion because she was in pain, she is only requesting restitution for the lost wages described above at this time.

### **Relocation**

As a result of the assault by the defendant and due to danger of further assaults by the defendant, the victim needed to relocate to a new location unknown to the defendant. The Office of Crime Victim Reparations covered part of her relocation costs, but because of a cap that agency places on reimbursements for relocation expenses, the victim also paid some out-of-pocket costs for relocation. She paid \$59 to a company that assisted her in finding a new apartment on short notice, she paid a \$25 apartment application fee, and she paid a \$100 utilities deposit, all of which are costs she would not have needed to pay but for the defendant's assault and the need for relocation caused by that assault. She therefore requests a total of \$184.00 for relocation expenses.

### **Mental Health Counseling**

While the victim has not yet incurred mental health counseling costs, she may seek counseling in the future for herself and also for her children that witnessed the assault. She requests that restitution be left open while the court maintains jurisdiction of the defendant during his probationary period so that she can submit to the court any requests for reimbursement of out-of-pocket costs she incurs for mental health counseling related to the assault for her and for her children.

### ***Conclusion***

The victim respectfully requests that the Court order the defendant to pay to her a total of \$951.16 in restitution for previously incurred out-of-pocket costs. She also respectfully requests that restitution be left open during the defendant's probation so that she can request reimbursement for related medical costs for herself and resulting lost wages if time off work is required for treatment, and related mental health counseling for

herself and her children that were present at the time of the crime. Receipts and other supportive documents can be made available upon request by either party or by the Court.

DATED January 20, 2009

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Attorney for the Victims

CERTIFICATE OF DELIVERY

I certify that I delivered, by first-class mail, a copy of the foregoing Motion for Restitution to X, Attorney for Defendant, and to X, Attorney for the State, on December 22, 2008.

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