

Bond Case Briefs

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MUNICIPAL ORDINANCE - CALIFORNIA

Luis M. v. Superior Court of Los Angeles County

Supreme Court of California - June 19, 2014 - P.3d - 2014 WL 2769024

The Superior Court found wardship petition alleging that minor committed vandalism to be true, placed minor on deferred entry of judgment (DEJ), and ordered minor to pay restitution. Minor petitioned for writ of mandate. The Court of Appeal granted petition. The Supreme Court granted review, superseding the opinion of the Court of Appeal.

The Supreme Court of California held that graffiti restitution model that did not reflect actual cleanup cost did not support restitution award.

City's failure to adopt a Graffiti Removal and Damage Recovery Program ordinance authorizing the probation department to recoup its costs for graffiti abatement as restitution in a juvenile proceeding, and its failure to update its cost findings within the three years preceding minor's victim restitution order, made the city's cost model unavailable as a basis for determining restitution for minor's offense of vandalism based on acts of graffiti, where the model represented an estimate of an average of all costs of graffiti cleanup rather than the actual economic losses incurred as the result of the minor's conduct, and the model included law enforcement investigative costs.