

STATE OF MAINE

v.

CHRISTOPHER R. NORTON

Argued September 15, 2008
Decided November 13, 2008

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, SILVER,
MEAD, and GORMAN, JJ.

MEMORANDUM OF DECISION

Christopher R. Norton appeals from a sentence imposed following a judgment of conviction of one count of attempted arson (Class B), 17-A M.R.S. §§ 152(1)(B), 802(1)(A) (2007), and one count of aggravated criminal mischief (Class C), 17-A M.R.S. § 805(1)(A) (2007), entered in the Superior Court (Kennebec County, *Mills, J.*) following a guilty plea. At the time of the plea, the parties notified the court that, as part of the agreed-to sentence, Norton would pay restitution in an amount not to exceed \$3000. During the sentencing hearing, Norton agreed again to the amount requested, but asserted that, if “the victims were compensated by insurance proceeds, the only restitution . . . available is the difference between the insurance proceeds and the actual damage that was caused, under [17-A M.R.S.] section 1325.” The court in this case had no reason to determine that either victim had otherwise been compensated from a collateral source but, when such evidence is presented, the court is authorized to order defendants to pay restitution to the person or entity that has provided recovery to victims as a collateral source. 17-A M.R.S. § 1324(3) (2007). Therefore, contrary to Norton’s contention, the court properly ordered him to pay restitution after an appropriate and sufficient inquiry into the amount of the victims’ financial loss, based on Norton’s agreement that the amount proposed by the State was a fair estimate of the victims’ economic loss, and based on Norton’s acknowledgement

that he could pay the entire amount requested. *See* 17-A M.R.S. §§ 1323-1325 (2007); *State v. Pease*, 2007 ME 155, ¶ 10, 940 A.2d 189, 191.

Moreover, the court's order of restitution is proper in light of the express legislative intent declaring that restitution is "to reinforce the offender's sense of responsibility for the offense, to provide him the opportunity to pay his debt to society and to his victim in a constructive manner, and to ease the burden of the victim as a result of the criminal conduct." 17-A M.R.S. § 1321 (2007).

The entry is:

Judgment affirmed.

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