Circuit Court for Prince George's County
Case No. C-16-JV-25-000079

UNREPORTED

IN THE APPELLATE COURT

OF MARYLAND

No. 430

September Term, 2025

IN RE: A.G.

Arthur,
Shaw,
Beachley, Donald E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 25, 2026

*This is a per curiam opinion. Under Rule 1-104, the opinion is not precedent within the rule of stare decisis nor may it be cited as persuasive authority.

The Circuit Court for Prince George's County, sitting as a juvenile court, ordered A.G., appellant, to pay $3,628.03 in restitution after he pleaded guilty to involvement in two counts of armed carjacking. His sole claim on appeal is that the court erred in ordering him to pay restitution because "the State did not prove that he had the ability to pay, and the evidence demonstrated he did not have the ability to pay."[1] For the reasons that follow, we shall affirm.

The sole issue at the restitution hearing was whether appellant had the ability to pay the amount of restitution requested by the State. At the hearing, appellant testified that he was 16 years old and in eleventh grade. Although he had never had a job, he planned to apply for a one at a restaurant or grocery store once he was released from detention, which was projected to be in June 2025. He was also going to be referred to the Access program, a mentoring and leadership program, upon his return to the community. Appellant further testified that he would be living with his mother, who was a hairdresser, and his father, who was an electrical technician, after he was released. Appellant's parents did not testify at the hearing. But the court took judicial notice of a provision in appellant's Social History Investigation, which indicated that their gross family income was between $15,000 and

[1] The court also found that appellant's parents were jointly and severally liable for the restitution. However, we do not consider the validity of the restitution order as to appellant's parents as the notice of appeal only identified appellant as the party appealing, and, in his brief, appellant only contends that the court erred in "ordering [him] to pay $3,628.03 in restitution." *Compare In re Levon A.*, 124 Md. App. 103, 120, 126 (1998), *rev'd in part on other grounds*, 361 Md. 626 (2000) (holding that mother of the juvenile was a proper appellant where the "text of the notice of appeal" did not name a party and instead challenged the "judgment regarding restitution" and counsel specifically noted in the brief that the "appeal is, in fact, on behalf of both [the juvenile] and his mother" (quotation marks omitted)).

$34,999 per year. That report also indicated appellant had a sibling for whom his parents were responsible.

Based on this evidence, the State argued that appellant had the ability to pay the restitution because he was able to get a job once he was released, was able to live with his mother and father, and would have until the age of 21 to pay the restitution. On the other hand, appellant argued that the amount of restitution should be one-half that requested by the State, because, although he would "have the ability to work and be able to pay some restitution[,]" he had never had a job before and would not "just walk out of placement and be working the very next day." He further asserted that ordering him to pay the full amount of restitution would "hamper those goals of rehabilitation in this situation."

The court ultimately ordered appellant to pay the full amount of restitution, finding that both his parents were employed and, although his background "probably is going to also hamper his ability to find employment, [] I don't think it would be impossible." The court further noted that appellant's parents' respective employment meant that they were also "capable to meet this obligation that [he had] hoisted on them by [his] actions" and ordered them, and appellant, to be jointly and severally responsible for the full amount of restitution. This appeal followed.

On appeal, appellant contends that the court abused its discretion in setting the amount of restitution because there was insufficient evidence that he had the ability to pay

that amount.[2] We disagree. A juvenile court, generally, may order a juvenile to make restitution if, "as a direct result of the . . . delinquent act, the victim suffered . . . direct out-of-pocket loss[.]" Md. Code Ann., Crim. Proc. § 11-603(a)(2)(ii). That said, the juvenile court's primary duty is "to promote the rehabilitation of the [child]." *In re Earl F.*, 208 Md. App. 269, 276 (2012) (cleaned up). And "the rehabilitative purpose [of restitution] is frustrated" when the restitution amount exceeds a juvenile's ability to pay. *In re Don Mc.*, 344 Md. 194, 203 (1996) (cleaned up). Thus, the court need not issue a judgment of restitution if the juvenile "does not have the ability to pay the judgment" or "there are extenuating circumstances that make a judgment of restitution inappropriate." Crim. Proc. § 11-605(a).

As in adult cases, the juvenile court must conduct a "reasoned inquiry" into a juvenile's ability to pay at a restitution hearing. *Don Mc*., 344 Md. at 203 (cleaned up). In reviewing a court's determination that a juvenile has the ability to pay, we consider the amount of restitution ordered, the time available for repayment, the individual's present and future potential for employment, familial support, number of dependent children, and other factors that may be relevant to the determination. *See In re A.B.*, 230 Md. App. 528,

[2] The parties disagree as to whether the State or appellant had the burden of proof with respect to appellant's ability to pay. We need not resolve this issue, however, because even assuming the State bore the burden of proof, there was sufficient evidence to sustain the court's findings.

533, 536–37 (2016). Both "the decision to require restitution, as well as the amount, are reviewed for abuse of discretion." *Id.* at 531.

Here, the record shows that the juvenile court conducted a reasoned inquiry into appellant's ability to pay and that sufficient evidence was presented of his ability to comply with the restitution order. Although appellant was not employed at the time of the restitution hearing, the evidence showed that he was sixteen years old, had approximately five years to comply with the restitution order, and had the ability to obtain employment after his release. *See id.* at 536–37 (holding that the trial court did not abuse its discretion in ordering a juvenile to pay restitution, where the juvenile was "a 15-year-old ninth grader" and "had five and a half years to fulfill the restitution obligation"). Moreover, the court could reasonably find that appellant would be able to use any income earned from his employment to pay the restitution amount, rather than needing it to support himself or others, as he did not have any children and would be living with his parents, both of whom were employed, following his release. Consequently, we find that there was no abuse of discretion in the court's decision.

JUDGMENT OF THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY AFFIRMED. COSTS TO BE PAID BY APPELLANT.