

**COURT OF COMMON PLEAS  
FOR THE STATE OF DELAWARE**  
KENT COUNTY COURTHOUSE  
38 THE GREEN  
DOVER, DELAWARE 19901  
PHONE: (302) 735-3910

**CHARLES W. WELCH, III  
JUDGE**

May 22, 2015

Lisa Whitelock, Esq.  
Deputy Attorney General  
Department of Justice  
102 West Water Street  
Dover, DE 19901

Mr. Sean W. Hastings  
20799 Gravel Hill Rd.  
Georgetown, DE 19947

RE: State of Delaware v. Sean W. Hastings  
Case No.: 1501004867  
Cr. A. No.: K15-01-1364 (RSP < \$1500)

**Decision After Restitution Hearing**

Dear Ms. Whitelock and Mr. Hastings:

The defendant for the above-referenced matter pled guilty and entered a probation before judgment for Receiving Stolen Property Under \$1500 on February 4, 2015. The State has requested that the defendant be ordered to pay restitution for this matter. However, the amount of restitution to be paid is in dispute. The State is seeking restitution in an amount in excess of \$2,000 for stolen paintball guns and equipment. The defendant contests the amount of restitution being requested by the State and requested a hearing. This correspondence constitutes the Court's decision after the restitution hearing.

When seeking restitution, the State bears the burden of proving the amount of loss by a preponderance of the evidence. *Benton v. State*, 711 A.2d 792 (Del. 1998). After a careful consideration of the evidence provided at the restitution hearing for this matter, the Court finds that the State has proven that the victim, Mr. Steven James, has incurred

losses in an amount in excess of \$2,000.00, as a result of a burglary at his paintball business in November of 2014. However, the issue of restitution does not end there.

The defendant is only responsible to pay restitution for the damages incurred by his criminal conduct. *State v. Hoffman*, 2003 WL 21221811, at \*1 - \*2 (Del. Supr. 2003). The State has not proven that the defendant was a part of the burglary of Mr. James' paintball business. He was never charged with that crime. All that was established by the State at the restitution hearing was that the defendant received some of the stolen property from the burglary from a third person and posted the same on Craig's List. The State was also able to prove by a preponderance of the evidence that the defendant assisted in the sale of a \$200.00 tank for a paintball gun that belonged to Mr. James and was taken during the burglary of his business. All of the other items that the defendant listed on Craig's List were recovered and returned to Mr. James. Given these facts, the Court finds that the only damages for which the defendant is liable to pay restitution to Mr. James are those which resulted from his criminal conduct, which is the \$200.00 for the paintball gun tank. Therefore, the Court orders the defendant to pay restitution to Mr. Steven James in the amount of \$200.00. The defendant shall have until the end of the probation for his probation before judgment to pay the restitution due.

**IT IS SO ORDERED.**

Sincerely,



Charles W. Welch, III

CWW:mek

pc: Mr. Steven James