

**COURT OF COMMON PLEAS
FOR THE STATE OF DELAWARE
KENT COUNTY COURTHOUSE
DOVER, DELAWARE 19901
PHONE: (302) 739-4618**

**CHARLES W. WELCH, III
JUDGE**

January 5, 2012

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

Mr. Aaron L. Wyatt
580 Greenwood Road
Greenwood, DE 19950

RE: State of Delaware v. Aaron L. Wyatt
Cr. A. No.: K11-03-1332 (DUI)
Case No.: 1102021802

Decision after Restitution Hearing

Dear Mr. Babowal and Mr. Wyatt:

The defendant for the above-referenced matter was sentenced for Driving Under the Influence (DUI) on August 29, 2011. The State has requested that the defendant be ordered to pay restitution in the amount of \$269.00. The defendant contests the amount to be awarded 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 careful consideration of the evidence provided at the restitution hearing for this matter, the court finds that the State has proven that Ms. Tamika Cornish has suffered the following losses as a result of the defendant's criminal conduct by a preponderance of the evidence:

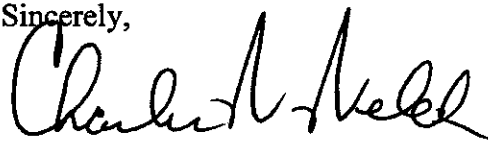
\$ 20.00 to replace a lost car charger; and
\$251.46 for reimbursement for a car rental fee.

During the restitution hearing, Ms. Cornish also requested an award of restitution for a new paint job and new tires that she had recently purchased for an automobile that was totaled as a result of the defendant's criminal conduct. However, an award of restitution for those items would not be appropriate. The condition of the paint and tires would have been a consideration in determining the fair market value of her automobile. When the automobile was totaled by the defendant's criminal conduct, Ms. Cornish received insurance proceeds for the fair market value of the vehicle, a value which would have included anything attached to it, including the paint job and tires.

In total, the damages suffered by Tamika Cornish as a result of the defendant's criminal actions amounts to \$271.46. The Court hereby orders that the defendant pay restitution in the amount of \$271.46 to Tamika Cornish. The defendant shall have three months from the date of this order to pay the restitution due.

IT IS SO ORDERED this 5th day of January, 2012.

Sincerely,



Charles W. Welch, III

CWW:mek
pc: Ms. Tamika Cornish