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Supreme Court No. _____ Case #: 1043864
COA No. 86396-7-I

IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

STATE OF WASHINGTON,
Respondent,

v.

BRYCE LACASSE,
Petitioner.

PETITION FOR REVIEW

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TABLE OF CONTENTS

A. IDENTITY OF PETITIONER AND DECISION BELOW	1
B. ISSUE PRESENTED FOR REVIEW	1
C. STATEMENT OF THE CASE.....	2
D. ARGUMENT	5
This Court should grant review because the trial court’s order imposing restitution for items that the prosecution did not prove were causally connected to the burglary conflicts with the statute and caselaw.....	
1. The restitution statute and well-established caselaw require a causal connection between the crime at issue and the claimed loss.....	5
2. The Court of Appeals opinion conflicts with this Court’s precedent and RCW 9.94A.753 by affirming a restitution order without a causal connection between the claimed loss and the burglary at issue.....	6
E. CONCLUSION	9
	14

TABLE OF AUTHORITIES

Washington Supreme Court Cases

State v. Griffith, 164 Wn.2d 960, 195 P.3d 506 (2008) 6, 7, 8

State v. Kinneman, 155 Wn.2d 272, 119 P.3d 350 (2005)..... 7

Washington Court of Appeals Cases

State v. Acevedo, 159 Wn. App. 221, 248 P.3d 526 (2010)..... 12

State v. Burns, 159 Wn. App. 74, 244 P.3d 988 (2010)..... 9

State v. Dedonado, 99 Wn. App. 251, 991 P. 2d 1216 (2000)... 8

State v. Fleming, 75 Wn. App. 270, 877 P.2d 243 (1994)..... 8

State v. Romish, 7 Wn. App. 2d 510, 434 P.3d 546 (2019) . 9, 12

Washington Statutes

RCW 9.94A.753 6, 7, 9

Rules

RAP 13.3 1

RAP 13.4 1, 14

RAP 18.1714

**A. IDENTITY OF PETITIONER AND DECISION
BELOW**

Bryce Lacasse asks this Court to accept review of the Court of Appeals decision terminating review. Slip op. (June 16, 2025). RAP 13.3(a)(1); RAP 13.4(b)(1)-(4).

B. ISSUE PRESENTED FOR REVIEW

A court may impose restitution only when the prosecution proves a causal link between the loss and either the crime of conviction or an offense for which the person expressly agreed to pay restitution. The trial court ordered restitution for \$7,356 worth of items even though the State proved only one item was taken in the burglary for which Mr. Lacasse agreed to pay restitution. The Court of Appeals' opinion affirming restitution for items the prosecution did not prove were causally connected to the burglary conflicts with opinions of this Court, published opinions of the Court of Appeals, and presents an issue of substantial public interest. RAP 13.4(b)(1), (2), (4).

C. STATEMENT OF THE CASE

Bryce Lacasse pleaded guilty to theft in the second degree and attempting to elude. CP 18-30; RP 5-9. As part of his plea agreement, the parties recommended an exceptional sentence of 40 months' confinement and \$2,224.25 restitution for the theft. CP 23. Mr. Lacasse also agreed to pay restitution "on charged and uncharged counts or dismissed cause numbers" that the plea agreement identified and incorporated. CP 23. The parties agreed the restitution for the charges other than the theft would be determined at a later date. CP 23.

The court accepted Mr. Lacasse's plea and imposed the recommended sentence, including \$2,224.25 in restitution. CP 33-36, 39; RP 9, 11. Even though the court found Mr. Lacasse was indigent and did not impose other discretionary LFOs, the court imposed 12% interest on the restitution amount. CP 34-36; RP 12-13.

The State later moved to amend the judgment and sentence to add \$7,356 in restitution for a burglary dismissed as

part of the plea agreement. CP 44-45. The dismissed charge involved the burglary of a property with a storage container. RP 18; 72-74. Mr. Lacasse acknowledged the plea agreement bound him to pay restitution for the dismissed burglary but disputed causation between the items listed in the restitution request and the dismissed burglary charge, so the court held a restitution hearing. RP 14-37.

Farid Poormokhtar, owner of the storage container, testified at the restitution hearing.¹ RP 25-29. Mr. Poormokhtar also submitted a handwritten list of over 30 items missing from his storage container. CP 48-63. He requested \$7,356 for their replacement costs. CP 48-63.

Mr. Poormokhtar testified he does not live on the property with the storage container. RP 26-27. He visits the property only about once a month. RP 27. Mr. Poormokhtar

¹ In the restitution paperwork, the prosecution spelled Mr. Poormokhtar's name "Poormojktar." CP 46. Mr. Lacasse uses the spelling given by Mr. Poormokhtar at the restitution hearing and in documentation. CP 48, 63; RP 25.

admitted people other than Mr. Lacasse had access to the property and that “people can open the gate and go in.” RP 26. He testified the items at issue went missing between his visits and when the burglary occurred, but he could not establish that the items were taken in the burglary. RP 26-27.

Mr. Lacasse agreed the prosecution proved a stove was causally related to the burglary covered by plea agreement.² RP 21, 32-33; *see also* CP 74. However, since the stove was recovered, no property was lost, and there is no restitution for that item. RP 21, 23, 32. Mr. Lacasse argued the prosecution did not prove any of the other items that were missing from Mr. Poormokhtar’s storage container were taken in the burglary. He asked the court not to impose restitution because the prosecution did not establish the required causal connection. RP 20-24, 31-33.

² The stove was recovered from another individual who said he purchased the stove from Mr. Lacasse, and identifying information confirmed it was Mr. Poormokhtar’s stove. RP 21.

The court recognized the defense raised “a very good argument” and urged “caution” to the parties to clarify the scope of items covered in future cases but ultimately imposed the full restitution the prosecution requested. RP 35-36. The court amended the judgment and sentence to add \$7,356 in restitution, for a total of \$9,580.25. CP 46-47.

The Court of Appeals affirmed the order of restitution.³

Slip op. at 4-6.

D. ARGUMENT

This Court should grant review because the trial court’s order imposing restitution for items that the prosecution did not prove were causally connected to the burglary conflicts with the statute and caselaw.

Mr. Lacasse agreed to pay restitution for losses resulting from a dismissed burglary case. But the prosecution sought

³ The Court of Appeals agreed with Mr. Lacasse that his judgment and sentence contained legal errors misstating the class of felony of conviction, maximum sentence, and statutory provision. Slip op. at 1, 6-7. It remanded for the trial court to correct the errors. The court also held Mr. Lacasse could move the trial court to waive the interest on restitution on remand. Slip op. at 7 n.7.

restitution for every item the victim claimed went missing from his unsecured property during his month-long absence, without proof Mr. Lacasse took the items in the burglary. The trial court exceeded its statutory authority by ordering restitution for items not causally connected to the crime covered by the plea agreement. The Court of Appeals affirmed the unauthorized order in an opinion that conflicts with decisions of this Court and published decisions of the Court of Appeals. This Court should accept review to contend with this conflict and to address this issue of substantial public interest.

1. The restitution statute and well-established caselaw require a causal connection between the crime at issue and the claimed loss.

The Sentencing Reform Act limits a court's authority to impose restitution. *State v. Griffith*, 164 Wn.2d 960, 965, 195 P.3d 506 (2008). A court shall order restitution "whenever the offender is convicted of an offense which results in ... damage to or loss of property." RCW 9.94A.753(5).

In addition to losses resulting from the offense of conviction, courts also shall order restitution for offenses “which are not prosecuted pursuant to a plea agreement.” *Id.* In both instances, restitution is limited to “losses that are *causally connected*” to the crimes of conviction or crimes for which the defendant expressly agrees to pay. *Griffith*, 164 Wn.2d at 965-66 (internal quotations omitted) (emphasis added); *accord State v. Kinneman*, 155 Wn.2d 272, 286, 119 P.3d 350 (2005). Without proof the losses are “causally connected” to the relevant crimes, a court may not impose restitution. *Griffith*, 164 Wn.2d at 965-66; *see* RCW 9.94A.753(5).

“Losses are causally connected if, but for the charged crime, the victim would not have incurred the loss.” *Griffith*, 164 Wn.2d at 966. Courts determine a causal connection by looking “to the underlying facts” of the crimes. *Id.*

Courts must also limit restitution to “easily ascertainable damages for ... loss of property.” RCW 9.94A.753(3)(a). The

prosecution must support any claimed loss with “substantial credible evidence.” *Griffith*, 164 Wn.2d at 965 (quoting *State v. Fleming*, 75 Wn. App. 270, 274-75, 877 P.2d 243 (1994)).

A court may impose restitution only when the prosecution provides a “reasonable basis” for the claimed loss. *Id.* (internal quotations omitted). Courts may not impose restitution based on “mere speculation or conjecture.” *Id.* (internal quotation omitted). “A causal connection is not established simply because a victim or insurer submits proof of expenditures.” *State v. Dedonado*, 99 Wn. App. 251, 257, 991 P. 2d 1216 (2000). The prosecution must prove the offense in question caused the losses incurred. *Id.*

Agreeing to pay restitution does not relieve the prosecution of its burden to prove the loss of property or the causal connection between the loss and the offense. *Griffith*, 164 Wn.2d at 965-66. Where a person agrees to pay restitution for losses but does not agree to the amount or what items were causally connected to the crime, the court must follow the

statutory requirements in determining restitution and impose costs for only those losses proven to have resulted from the crimes covered by the agreement. *E.g., State v. Burns*, 159 Wn. App. 74, 79, 244 P.3d 988 (2010). When “[t]he evidence presented at the hearing does not link [the defendant’s] criminal conduct to many of the victim’s claimed damages,” the court lacks authority to impose restitution for those losses. *State v. Romish*, 7 Wn. App. 2d 510, 516, 434 P.3d 546 (2019).

2. The Court of Appeals opinion conflicts with this Court’s precedent and RCW 9.94A.753 by affirming a restitution order without a causal connection between the claimed loss and the burglary at issue.

Mr. Lacasse agreed to pay restitution for his crimes of conviction as well as the other crimes charged in the cause numbers that the State dismissed pursuant to the plea agreement. CP 23; RP 6-7. This included a burglary of Mr. Poormokhtar’s storage container. RP 18. Therefore, the court could impose restitution only for the crimes of conviction and the losses sustained from the burglary of the storage container.

The Court of Appeals recognized this principle. Slip op. at 4-5. It acknowledged a trial court may impose restitution only after the prosecution proves a causal connection between the loss and the conduct. *Id.* However, rather than examine the prosecution's proof of a causal connection—or lack thereof—the Court of Appeals summarily concluded the prosecution established a causal connection because Mr. Lacasse “agreed to pay restitution for the dismissed second degree burglary charge.” Slip op. at 5. It reasoned that because Mr. Poormokhtar “identified the specific items” that were missing from his storage container, the State sufficiently proved Mr. Lacasse took those items during the burglary. Slip op. at 6. This is incorrect.

Mr. Poormokhtar testified he discovered a number of items missing from his storage container and provided a list. RP 25- 29; CP 48-63. Mr. Poormokhtar admitted he does not live on the property and visited it only about once a month. RP 27. He admitted people other than Mr. Lacasse had access to

the property: “people can open the gate and go in.” RP 26. Mr. Poormokhtar did not tie the taking of the listed items to the burglary, and he admitted the property stood open and unsecured for a month, allowing for anyone to take those items not only during but any time after the burglary. RP 26-27.

Mr. Lacasse agreed the prosecution proved a stove was causally related to the burglary. RP 21-23, 32-33. However, the stove was recovered and the property was not lost, so there is no restitution for that item. RP 21. But rather than limit the restitution to the items causally related to the burglary, the court imposed restitution for the full list of items Mr. Poormokhtar requested. CP 46-63; RP 35-36.

The Court of Appeals confused Mr. Lacasse’s agreement to pay restitution for the items proven to be causally connected to the burglary with whether the State actually proved the list of items submitted by Mr. Poormokhtar were causally connected to the crime at issue. The prosecution still was required to prove the items Mr. Poormokhtar claimed were missing were

taken in the burglary, rather than at some other time by some other person. It did not do so. Instead, the court imposed restitution for every item Mr. Poormokhtar testified went missing from his storage container. RP 18, 26; CP 48-63.

When “[t]he evidence presented at the hearing does not link [the defendant’s] criminal conduct to many of the victim’s claimed damages,” the court lacks authority to impose restitution for those losses. *Romish*, 7 Wn. App. 2d at 516. That is what occurred here. Because the prosecution did not prove the causal connection between the claimed losses and the burglary, the court lacked authority to impose restitution for those items.

When the State does not present sufficient evidence of a causal connection between the crime and the loss, the restitution order cannot stand. *Romish*, 7 Wn. App. 2d at 516; *State v. Acevedo*, 159 Wn. App. 221, 231, 248 P.3d 526 (2010). Here, the court imposed restitution for every item missing from Mr. Poormokhtar’s storage container, even though the prosecution

did not prove those items were lost in this burglary versus in some other way. The imposition of restitution for items the prosecution did not prove were taken in the dismissed burglary lacked the necessary causal connection.

The Court of Appeals ignored these requirements and affirmed an order of restitution the statute does not authorize. It did so in contradiction of the statute and cases from this Court and the Court of Appeals. This Court should accept review to address this conflicting case that presents an issue of substantial public interest.

E. CONCLUSION

For all these reasons, this Court should accept review.

RAP 13.4(b).

Counsel certifies this brief complies with RAP 18.17 and the word processing software calculates the number of words in this document, exclusive of words exempted by the rule, as 2,133 words.

DATED this 14th day of July, 2025.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Huber', with a stylized flourish at the end.

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APPENDIX A

June 16, 2025, Opinion

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

THE STATE OF WASHINGTON,

Respondent,

v.

BRYCE JOSEPH LACASSE,

Appellant.

No. 86396-7-I

UNPUBLISHED OPINION

BOWMAN, A.C.J. — Bryce Joseph Lacasse appeals the trial court’s amended judgment and sentence. He argues that the court erred by ordering restitution for a dismissed burglary charge and by imposing interest on the total amount of restitution. He also argues, and the State concedes, that the judgment and sentence contains clerical errors. We affirm the restitution order but remand for the trial court to correct the clerical errors in the judgment and sentence.

FACTS

On September 7, 2023, Lacasse pleaded guilty to second degree theft and attempting to elude a police vehicle. As part of the plea agreement, the trial court dismissed several charges under five other cause numbers. Still, the court ordered that Lacasse “pay for restitution on all dismissed counts.”¹

¹ At sentencing, the court specifically ordered Lacasse to pay \$2,224.25 in restitution related to the second degree theft conviction and interest on the total restitution obligations. The schedule of restitution provided that “[r]estitution may be amended at a future date should there be additional damages, loss or medical claims.” The court waived the other legal financial obligations, including the victim assessment fee and criminal filing fee.

One of the counts dismissed as part of the plea agreement was for second degree burglary under Whatcom County cause number 21-1-00879-37.² A probable cause affidavit³ submitted in support of that charge shows that in January 2020, Farid Poormokhtar reported that someone burglarized a locked storage container on his vacation property. The affidavit states that Poormokhtar hired Lacasse and Desiree Atchley to “clean up” his property. And that Poormokhtar and Lacasse had a conflict “over exorbitant rates [Lacasse] charged without accomplishing any work.”

During this time, Poormokhtar noticed that someone had moved his surveillance cameras and took their memory cards. Then he discovered that someone stole an antique wood-fired cook stove and new Stihl chainsaws from the storage container. The probable cause affidavit states that “[n]umerous other items were also stolen from the [storage] container.” Poormokhtar suspected that Lacasse stole the items. And Atchley later “hinted” that Lacasse “might be involved.”

In February 2021, an officer investigating an unrelated crime found an antique cook stove that matched Poormokhtar’s photos of his stolen stove. The person in possession of the stove said Lacasse sold him the stove “along with a Stihl chainsaw.” Whatcom County deputies arrested Lacasse for second degree

² The judgment and sentence incorrectly states that the cause number is 20-1-879-37.

³ The State moved for leave to supplement the appellate record with this probable cause affidavit. Because the record “is not sufficiently complete to permit a decision on the merits of the issues” without the affidavit, we grant the State’s motion. See RAP 9.10.

burglary and first degree trafficking in stolen property. And in December 2021, Poormokhtar submitted a restitution claim, seeking restitution for over 30 stolen items valued at \$7,356.⁴

On January 16, 2024, the State moved to amend the schedule of restitution for Lacasse's current convictions and order him to pay Poormokhtar \$7,356 in restitution for the dismissed burglary charge. On February 13, the trial court held a restitution hearing, at which Poormokhtar testified.

Poormokhtar said all the items listed in his restitution claim went missing after the incident. But he also testified that about a month had passed between when he saw the property undisturbed and when he realized the items were missing. When asked about other people's access to his property, Poormokhtar said, "Obviously, people can open the gate and go in," but "I don't think anybody, you know, related to my friends or family are going to go there." He said that although someone took the cameras from his property, he had a picture of "some truck . . . coming" before the cameras were disabled.

Lacasse asked the trial court to deny the State's motion to amend the restitution order, arguing that except for the antique stove, it failed to show a causal connection between Lacasse's burglary and the missing items. The trial court granted the State's motion and amended Lacasse's judgment and sentence to add \$7,356.00 in restitution, for a total restitution amount of \$9,580.25.

Lacasse appeals.⁵

⁴ The list included camping equipment, a wood chipper shredder, drills, chainsaws, and several other power tools.

⁵ The trial court found Lacasse indigent for the purpose of appeal.

ANALYSIS

Lacasse challenges the restitution amount imposed for the dismissed burglary charge and several clerical errors in the judgment and sentence.

1. Restitution

Lacasse argues the trial court erred by imposing \$7,356 in restitution for the dismissed burglary charge because there was an insufficient causal connection between the claimed losses and his criminal conduct. We disagree.

We review the amount of a restitution award for abuse of discretion. *State v. Griffith*, 164 Wn.2d 960, 965, 195 P.3d 506 (2008). A trial court abuses its discretion if its decision is manifestly unreasonable or based on untenable grounds or reasons. *State v. Dye*, 178 Wn.2d 541, 548, 309 P.3d 1192 (2013). We review a trial court's factual findings for substantial evidence. *Griffith*, 164 Wn.2d at 965.

A court's authority to impose restitution is statutory. *Griffith*, 164 Wn.2d at 965. A court must order restitution when the defendant "is convicted of an offense which results in injury to any person or damage to or loss of property." RCW 9.94A.753(5). It must also order restitution if the defendant "pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that [he] be required to pay restitution to a victim of an offense . . . which [is] not prosecuted pursuant to a plea agreement." *Id.*

A court may order restitution only for losses that are " 'causally connected' to the crimes charged." *State v. Tobin*, 161 Wn.2d 517, 524, 166 P.3d 1167 (2007) (quoting *State v. Kinneman*, 155 Wn.2d 272, 286, 119 P.3d 350 (2005)).

“Losses are causally connected if, but for the charged crime, the victim would not have incurred the loss.” *Griffith*, 164 Wn.2d at 966. To determine whether a causal connection exists, we look to the underlying facts of the charged offense. *Id.* If the defendant challenges the restitution amount that the State seeks, the State must prove causation and damages by a preponderance of the evidence. *State v. Romish*, 7 Wn. App. 2d 510, 549, 434 P.3d 546 (2019). Only after the State establishes a causal connection “does the sentencing court gain broad discretion to order restitution amounts within the statutory limits.” *Id.*

Here, Lacasse agreed to pay restitution for the dismissed second degree burglary charge in cause number 21-1-00879-37. The probable cause affidavit states that along with the antique cook stove and chainsaws, “[n]umerous other items were . . . stolen from the [storage] container” during the burglary. And Poormokhtar submitted a restitution claim identifying the other stolen items and their estimated total value of \$7,356. At the restitution hearing, Poormokhtar testified that all the items he identified went missing after the burglary. So, the State proved by a preponderance of the evidence that but for the burglary, Poormokhtar would not have incurred the losses.

Lacasse argues that under *Griffith*, Poormokhtar’s losses were not causally connected to the burglary. In that case, the defendant Griffith sold several pieces of jewelry that had been stolen in a burglary, and she later pleaded guilty to possessing stolen property in the second degree. *Griffith*, 164 Wn.2d at 963-64. The trial court ordered her to pay \$11,500 in restitution for all the unrecovered jewelry. *Id.* at 964. Our Supreme Court vacated the restitution

order, determining there was no causal connection between the crime and the losses because Griffith was convicted of possessing stolen property, and there was no evidence that she actually possessed \$11,500 worth of the unrecovered property. *Id.* at 966-68.

This case is not like *Griffith*. Here, the State charged Lacasse with second degree burglary, not with possession of stolen property. While a defendant convicted of possessing stolen property “is responsible only for damage actually sustained during the course of [their] possession,” a “thief is responsible for all damages incurred in connection to the victim’s loss of property.” *Romish*, 7 Wn. App. 2d at 515-16. So, the court could order Lacasse to pay restitution for any losses the State showed resulted from the burglary. And Poormokhtar identified the specific items stolen from his storage container.⁶

The trial court did not abuse its discretion by amending the judgment and sentence to impose \$7,356 in restitution for the dismissed burglary charge.

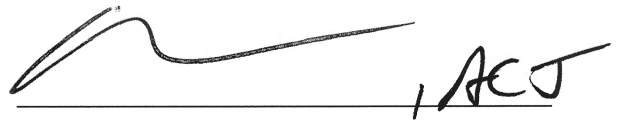
2. Clerical Errors

Lacasse argues, and the State concedes, that the court’s judgment and sentence contains several clerical errors. The remedy for clerical errors in a judgment and sentence is to remand to the trial court for correction. *State v. Sullivan*, 3 Wn. App. 2d 376, 381, 415 P.3d 1261 (2018).

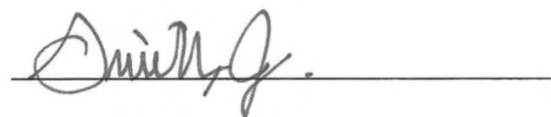
⁶ While Lacasse points out that Poormokhtar testified that about a month had passed between the time of the burglary and when he discovered the items were missing, that testimony goes to the weight of the evidence. And we defer to the trial court on the weight of the evidence. See *State v. Jackson*, 145 Wn. App. 814, 818, 187 P.3d 321 (2008).

Lacasse's judgment and sentence misstates that second degree theft is a class B felony instead of a class C felony. See RCW 9A.56.040(2). It also incorrectly states that the maximum sentence for second degree theft is 10 years' confinement and/or a \$20,000 fine. It should say that the maximum sentence is 5 years and/or a \$10,000 fine. See RCW 9A.20.021(1)(c). And finally, the judgment and sentence improperly states that the attempt to elude statute is RCW 46.64.024 instead of RCW 46.61.024. We remand for the trial court to correct these clerical errors in the judgment and sentence.⁷

We affirm the restitution order but remand for the trial court to correct the clerical errors in the judgment and sentence.

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WE CONCUR:

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⁷ Lacasse also argues that his attorney performed deficiently by not moving the trial court to waive interest on the restitution imposed. Because we remand on other grounds, we authorize Lacasse to move the court to waive interest on restitution under RCW 10.82.090(2).

WASHINGTON APPELLATE PROJECT

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