

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

MIRMASSOUD KASHANI,

Defendant and Appellant.

D062181

(Super. Ct. No. SCN236630-2)

APPEAL from orders of the Superior Court of San Diego County, Aaron H. Katz,  
Judge. Affirmed.

Mirmassoud Kashani appeals two restitution orders arising from his convictions of various crimes. The details of those crimes and convictions are set forth in this court's nonpublished opinion in *People v. Kashani* (Oct. 26, 2012, D059467). The first restitution order, made on February 10, 2011, was in favor of First Franklin Financial and in the amount of \$163,270. Kashani's challenge to that order was litigated in No. D059467, and he may not challenge the order again in the instant appeal. The second restitution order, made on June 14,

2012, was in favor of Fieldstone Mortgage and in the amount of \$152,418.50.<sup>1</sup> At the restitution hearing, Kashani did not contest the amount of the loss Fieldstone Mortgage suffered. He now contends, as he did at the hearing, that the restitution award to Fieldstone Mortgage violates the antideficiency statutes (Code Civ. Proc., § 580a et seq.).

Kashani was involved in the financed purchases of residential property using stolen personal identifying information. He caused the loss to Fieldstone Mortgage in one of those transactions.

Kashani cites no authority for the proposition that the antideficiency statutes apply to restitution in a criminal proceeding. Our research has uncovered no such authority. Moreover, we broadly and liberally construe a victim's right to restitution (*People v. Phu* (2009) 179 Cal.App.4th 280, 283) and review a challenge to a restitution order for abuse of discretion (*id.* at p. 284). There was no abuse of discretion here.

#### DISPOSITION

The orders are affirmed.

McCONNELL, P. J.

WE CONCUR:

HUFFMAN, J.

NARES, J.

---

<sup>1</sup> The introductory portion of Kashani's opening brief also mentions orders for restitution to "Franklin Financial Services" and "First National Bank," but he makes no further mention of those two entities. His briefs additionally mention "First Financial" and "First Franklin," apparently as shorthand for First Franklin Financial.