

SUMMARY STATEMENT

State v. Kelley

No. 44178

The Idaho Supreme Court affirmed the Ada County district court's award of restitution entered under Idaho Code section 37-2732(k) requiring Thomas Kelley to pay the State's expenses actually incurred while prosecuting Kelley's marijuana trafficking conviction. The Court rejected Kelley's constitutional attacks on section 37-2732(k), concluding the weight of authority demonstrated section 37-2732(k) violates neither the Sixth nor the Fourteenth Amendments to the U.S. Constitution. Additionally, the Court concluded the district court did not abuse its discretion by awarding restitution despite Kelley's financial circumstances, as the district court properly found Kelley had a foreseeable ability to repay the award. Thus, the Court affirmed that restitution under section 37-2732(k) was proper.