

SUMMARY STATEMENT

State v. Carlos Enrique Pagan-Lopez

Docket No. 46269

In this case arising out of Ada County, the Court of Appeals vacated Carlos Enrique Pagan-Lopez's judgment of conviction for possession of a controlled substance and introduction of major contraband into a correctional facility and vacated and remanded a judgment for restitution. Pagan-Lopez was found guilty of both crimes following a jury trial. The district court granted the State's request for restitution.

On appeal, Pagan-Lopez argued the district court abused its discretion by refusing to accept his guilty plea to only the possession of a controlled substance charge and that the district court abused its discretion by ordering restitution for the costs of prosecution. The district court refused to accept Pagan-Lopez's guilty plea, in part, because the district court found that Pagan-Lopez may have a necessity defense that the jury could consider. The Court of Appeals held that rejecting Pagan-Lopez's guilty plea on this basis was error. The Court also concluded that the restitution award entered following the trial must be vacated in light of the conclusion that Pagan-Lopez's guilty plea should not have been rejected. The Court remanded the case for a determination of a proper restitution award based on the terms of the plea agreement. Pagan-Lopez raised additional issues on appeal which the Court did not address in light of its decision regarding Pagan-Lopez's guilty plea.