

## **SUMMARY STATEMENT**

*State v. Oxford*, Docket No. 46608

The Supreme Court affirmed Cari Leone Oxford's judgment of conviction, but vacated the order of restitution. Oxford was arrested after she kidnapped her neighbor's infant son. A Bannock County jury found Oxford guilty of burglary and kidnapping in the second degree. Oxford appealed from her judgment of conviction. On appeal, Oxford argued that the district court abused its discretion in (1) denying her the funds necessary to retain an expert witness to assist with her defense; (2) refusing to allow the doctor who examined her for purposes of her competency evaluation to testify at trial regarding her mental health condition; and (3) ordering restitution without any evidence supporting it. The Court held that the district court did not deny Oxford's motion for funding to retain an expert witness and did not abuse its discretion in initially directing that the funds come from the Public Defender's budget. The Court also held that the district court did not abuse its discretion in ruling that the defense failed to establish a proper foundation to allow the doctor who examined Oxford for purposes of her competency evaluation to testify at trial about Oxford's state of mind at the time of the criminal conduct. Finally, the Court held that the district court abused its discretion in ordering restitution over the defense's objection without any evidence supporting it, thereby vacating the order.

\*\*\*This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.\*\*\*