

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47722

STATE OF IDAHO,	)	
	)	<b>Filed: June 3, 2021</b>
Plaintiff-Respondent,	)	
	)	<b>Melanie Gagnepain, Clerk</b>
v.	)	
	)	<b>THIS IS AN UNPUBLISHED</b>
BRIAN MICHAEL TRAPPEN,	)	<b>OPINION AND SHALL NOT</b>
	)	<b>BE CITED AS AUTHORITY</b>
Defendant-Appellant.	)	
	)	

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Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. Eric J. Wildman, District Judge.

Order of restitution, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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LORELLO, Judge

Brian Michael Trappen appeals from an order of restitution. We affirm.

**I.**

**FACTUAL AND PROCEDURAL BACKGROUND**

While driving under the influence of alcohol, Trappen caused a multi-vehicle accident that resulted in two fatalities and injuries to several other drivers. As a result, the State charged Trappen with two counts of vehicular manslaughter, two counts of aggravated driving under the influence, and driving without privileges. Trappen pled guilty to the two counts of vehicular manslaughter, I.C. § 18-4006(3)(a), and the State dismissed the remaining charges. The State also sought \$6,155.49 in restitution. Of the amount requested, Trappen objected to the State's request for

\$1,330.49 for the Idaho State Police. The district court denied the requested \$1,330.49, but ordered Trappen to pay the balance of the requested restitution in the amount of \$4,825. Trappen appeals.

## **II.**

### **ANALYSIS**

Mindful that the district court “struck [the] only item to which he objected from the restitution order,” Trappen argues that the district court abused its discretion in awarding restitution. The State responds that Trappen failed to preserve his challenge to the restitution order because he did not object to the amount requested. We agree with the State and hold that Trappen’s challenge to the restitution order is not preserved.

Generally, issues not raised below may not be considered for the first time on appeal. *State v. Fodge*, 121 Idaho 192, 195, 824 P.2d 123, 126 (1992). During the restitution hearing, Trappen only objected to \$1,330.49 of the State’s \$6,155.49 restitution request. The district court sustained Trappen’s objection, excluded \$1,330.49 from the restitution award, and only ordered Trappen to pay \$4,825. Because Trappen did not challenge any portion of the amount actually awarded or otherwise object during the restitution proceeding, as he concedes on appeal, this Court will not consider the merits of his claim that the district court’s restitution award was an abuse of discretion.

## **III.**

### **CONCLUSION**

Trappen failed to preserve his argument that the district court abused its discretion in ordering him to pay restitution. Consequently, the order of restitution is affirmed.

Chief Judge HUSKEY and Judge BRAILSFORD, **CONCUR.**