

**SUMMARY STATEMENT**  
*State of Idaho v. Kegan Ray Kolander*  
Docket No. 48651

Kegan Ray Kolander appeals from the district court's order of restitution. Kolander was charged with four counts of grand theft by unauthorized control, Idaho Code § 18-2403(3), and three counts of burglary, I.C. § 18-1401. Kolander pled guilty to one count of grand theft by unauthorized control and one count of burglary, and the remaining charges were dismissed. As part of the plea agreement, Kolander agreed to pay restitution in an amount to be determined for all charged, uncharged, and dismissed conduct.

At the sentencing hearing the district court granted the State at least thirty days to request restitution. The State filed a motion for restitution in the amount of \$2,707.65 within that timeframe. A month later, the State filed an amended motion for restitution, requesting an additional \$1,345.30. Kolander objected to the amended motion, arguing that it was untimely, while the State argued that the delay was due to an oversight and the amount requested in the amended motion had been disclosed to Kolander prior to sentencing. The district court, noting that all documentation supporting the amount sought in the amended motion was available to Kolander prior to sentencing and that the State's request was reasonable, granted the State's amended motion and entered an order of restitution in the amount of \$4,052.95.

On appeal, Kolander claims the district court abused its discretion when it granted the State's amended motion for restitution, arguing that the additional time to file the motion was not "necessary" under I.C. § 19-5304(6). The Idaho Court of Appeals held that the language of I.C. § 19-5304(6) does not limit what is or could be necessary to the amount of time the State requests or the court authorizes at the time of sentencing. Rather, the district court may allow additional time, based on the circumstances, including inadvertence. Moreover, the Court held that Kolander failed to show that any possible delay from the oversight harmed a substantial right or resulted in prejudice, as he was aware of the total amount prior to sentencing and both the initial and amended motions were filed prior to the restitution hearing.

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