

## SUMMARY STATEMENT

*State v. Garcia*

Dkt. No. 48782

This appeal is Jesus Garcia's second challenge to an order of restitution. Following Garcia's conviction for second degree murder, aggravated battery, use of a deadly weapon during the commission of a crime, and possession of a controlled substance in 2018, the district court ordered restitution against Garcia in the amount of \$162,285.27. In *State v. Garcia*, 166 Idaho 661, 462 P.3d 1125 (2020) ("*Garcia I*"), the Court reversed the district court's order after determining the district court abused its discretion when it provided an inadequate analysis of Garcia's "ability to pay" restitution. After a hearing on remand, the district court found that Garcia had the foreseeable ability to pay restitution in full and reinstated the order for the original amount. Garcia appealed, arguing the district court abused its discretion by ordering restitution without the support of substantial evidence.

On appeal, the Idaho Supreme Court affirmed the order of restitution. The Court explained that the district court could properly rely on the presentence materials before it in *Garcia I*, and that notwithstanding the conflicting evidence in the record, there was substantial evidence upon which the district court relied in support of its conclusion that Garcia has the foreseeable ability to pay the \$162,285.27 restitution in full.

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