

SUMMARY STATEMENT

State v. Head, Docket No. 49029

This appeal arose from the district court's denial of Jared Head's motion to strike certain evidence supporting a restitution order. Jared and his wife, Teresa, worked as onsite managers, at the Village Inn Motel in Malad City, Idaho. Following an investigation by the Oneida County Sheriff's Office, Jared and Teresa were separately charged with grand theft. After pleading guilty to grand theft, Jared was ordered to pay \$24,535.23 in restitution for allowing people to stay at the motel without paying, and for accepting rent payments that he did not relinquish to the motel owners. Relevant to this appeal, some of the State's evidence supporting the restitution amount related to a specific hotel guest—S.G. Just before resting its case at the restitution hearing, the State disclosed that S.G. had been found incompetent to stand trial in an unrelated criminal case several months earlier. Jared then sought to strike any testimony, exhibits, and statements related to S.G., arguing the State withheld exculpatory evidence in violation of his due process rights under *Brady v. Maryland*, 373 U.S. 83 (1963) and in violation of his Sixth Amendment right to confrontation under *Crawford v. Washington*, 541 U.S. 36 (2004). The district court denied Jared's motion after concluding that his due process claim was moot because *Brady* did not apply to restitution hearings, which the district court couched as civil proceedings. Jared timely appealed, arguing that the district court erred in applying an incorrect legal standard to deny his motion to strike. The Idaho Supreme Court affirmed the district court's conclusion, but not its reasoning, that the claim was moot, concluding that a motion for restitution is a civil process even though it is ancillary to a criminal proceeding. The Court also held that Jared failed to show his due process rights were violated or that he was materially prejudiced by the State's late disclosure.

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