

SUMMARY STATEMENT

State of Idaho v. Teresa Ann Head
Docket No. 49030

Teresa Ann Head pleaded guilty to grand theft related to financial loss suffered by the owners of the Village Inn Motel. The district court ordered joint and several restitution after finding substantial and competent evidence tying Head to the theft of monies exceeding \$1,000 from the Village Inn Motel.

On appeal, Head challenged the sufficiency of the evidence supporting the district court's findings that she shared culpability for the theft of monies from the Village Inn Motel. Head asserted that she only admitted to theft related to a business leasing space on the property and not to the theft of room rental fees. Therefore, she argued she should not be held jointly and severally liable for economic losses resulting from her husband, Jared Head's, actions. Further, Head alleged the district court abused its discretion in denying a motion to strike testimony, exhibits, and statements from a motel resident in violation of *Brady v. Maryland*, 373 U.S. 83 (1963) and Idaho Criminal Rule 16. Finally, Head alleged the district court exceeded its statutory authority under Idaho Code § 19-5304(8) by ordering joint and several restitution because both defendants were present.

The Court of Appeals held the district court relied on substantial and competent evidence to conclude Head was jointly responsible with Jared for the full amount of loss caused by the theft. The Court of Appeals held: (1) the district court did not abuse its discretion in denying a motion to strike evidence because restitution is a civil proceeding and thus, Head's due process rights were not violated; (2) Head could not demonstrate prejudice resulting from the admission of the evidence; and (3) the district court acted within its statutory authority to order joint and several restitution based on the plain meaning and the policy goals of the statute. The district court's order of restitution is affirmed.

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