

SUMMARY STATEMENT

State v. Adams

Docket No. 49573

Jessie Adams appealed an order to pay \$15,053.49 in restitution stemming from his conviction of petit theft. The State charged Adams with two separate counts of grand theft. Following a jury trial, Adams was found guilty of the first charge of grand theft. As to the second charge, the jury acquitted Adams of grand theft, but found him guilty of the lesser-included offense of petit theft. The district court ordered Adams to pay \$15,053.49 in restitution related to his conviction for petit theft.

Adams appealed the order to pay restitution on the petit theft conviction, arguing that the district court had abused its discretion in ordering restitution in an amount greater than \$999.99, “the amount associated with the statutory delineation between grand theft and petit theft.” *State v. Adams*, No. 48023, 2021 WL 5895484, at *1 (Ct. App. Dec. 14, 2021) (unpublished opinion). The appeal was assigned to the Court of Appeals. *See id.* Relying on its prior decision in *State v. Richmond*, 137 Idaho 35, 43 P.3d 794 (Ct. App. 2002), the Court of Appeals affirmed the restitution order, holding that Idaho Code section 19-5304 “gives trial courts the discretion to order restitution for the victim’s economic loss caused by a defendant’s criminal conduct, even if the actual loss is greater than one of the statutory elements of the crime itself.” *Adams*, 2021 WL 5895484, at *3. Adams petitioned the Idaho Supreme Court for review, which was granted.

The Idaho Supreme Court held that the district court abused its discretion by ordering restitution in excess of \$1,000.00 (the actual amount set out in the statute), abrogating the Court of Appeals’ decision in *Richmond*. The Court vacated the judgment of the district court and remanded the case.

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