

SUMMARY STATEMENT
State of Idaho v. Mia May Wilson
Docket No. 49829

In this case, the Court of Appeals affirmed an order for restitution. Mia May Wilson pled guilty to possession of a controlled substance. She was sentenced to a unified term of confinement of five years, with a minimum period of confinement of two years. Execution of the sentence was suspended and Wilson was granted probation. She was permitted to transfer her supervision to Sheridan, Wyoming, pursuant to the interstate compact. While there, Wilson violated her probation by using methamphetamine and absconding supervision. The district court issued a bench warrant. Wilson was arrested on the warrant in Wyoming and was returned to Idaho. Wilson admitted the probation violations. The district court revoked probation and retained jurisdiction. Prior to the probation violation disposition hearing, the State submitted a proposed order for restitution pursuant to I.C. § 19-5304 for the costs incurred to return Wilson to Idaho. Attached to the proposed order was an affidavit signed by the Canyon County sheriff's extradition officer, which averred that it had been necessary to extradite Wilson from Wyoming and that the sheriff had incurred reasonable and necessary expenses of \$1625 in returning Wilson to Canyon County. At a hearing on motion for restitution, the State argued that restitution was also appropriate under I.C. § 37-2732(k).

The district court entered a written decision finding that it had no authority to award restitution under either statute but that Wilson could be ordered to pay restitution under the terms of her probation supervision agreement which provided: "I will waive extradition to the state of Idaho and will not contest any effort to return to the state of Idaho. I will pay the cost of extradition as ordered by the court/Commission." The district court concluded the affidavit and attached invoice provided sufficient evidence to support the amount of restitution and entered an order requiring Wilson to pay \$1625.

On appeal, Wilson argued that the district court's decision was not supported by substantial evidence as defined by the Idaho Supreme Court in cases dealing with restitution under I.C. §§ 19-5304 and 37-2732(k). Wilson argued that, because the State sought restitution from Wilson, the district court should have applied the more stringent evidentiary standard required in those cases.

The Court of Appeals held that the restitution was proper because the State did not seek restitution under the statutes and that Wilson had agreed, as a condition of her probation, to pay the costs of her extradition as ordered by the court.

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