

SUMMARY STATEMENT

JK Homes v. Brizzee, Docket No. 50662

This appeal asked the Court to interpret Idaho Code section 5-248, which modifies the applicable limitations period governing when a crime victim can file a civil claim for damages against the offender. Brizzee pleaded guilty to embezzling money from JK Homes, LLC d/b/a Castlerock Homes (“Castlerock”) and was sentenced to incarceration, with the district court initially retaining jurisdiction (a “rider”). After completing her rider, Brizzee was placed on probation. During the term of her probation, Castlerock filed a claim for damages against Brizzee. The district court found that Idaho Code section 5-248 creates a one-year statute of limitations to bring such a claim that begins when an offender is released from prison and that Castlerock’s complaint was untimely because although Brizzee was still on probation, she was released from incarceration (her rider) over a year before Castlerock filed its complaint.

The Idaho Supreme Court held that Idaho Code section 5-248 does not create a one-year limitations period, but instead tolls the applicable limitations period until one year after an offender has been both released from incarceration *and* fully satisfied the sentence imposed. The Court therefore held that the district court erred in dismissing Castlerock’s complaint as untimely. The Court vacated the judgment dismissing Castlerock’s complaint.

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