

SUMMARY STATEMENT

State of Idaho v. Heather Lee Hawking

Docket No. 50927

Heather Lee Hawking appealed an order to pay restitution stemming from her conviction of misdemeanor malicious injury to property. Following a contested restitution hearing, the magistrate court ordered Hawking to pay \$3,708.40 in restitution to “SUPER 8” to repair a room she rented in which she housed approximately fifty cats for several days. However, a few months after the incident, but before the trial, the hotel was sold and ownership changed. In ordering restitution, the magistrate court ruled that the new owner was the victim for purposes of restitution because it took the property in a damaged condition and essentially stepped into the shoes of the former owner through the real estate contract. Hawking appealed the order to pay restitution to the district court, which affirmed the magistrate court’s order.

Hawking appealed. She argued that the magistrate court’s conclusion that the new owner stepped into the former owner’s shoes for purposes of restitution is an assumption not supported by substantial and competent evidence because the State did not present evidence regarding the terms of the hotel’s sale or whether the new owner was already compensated for the room’s damaged condition and the need for renovations.

The Idaho Supreme Court held that the magistrate court’s finding of fact and conclusion of law is not supported by substantial and competent evidence in the record. The Court vacated the district court’s judgment and remanded the case to the district court with instructions to vacate the Order for Restitution and Judgment and remand the matter to the magistrate court for further proceedings.

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