

SUMMARY STATEMENT

State v. Nelson

No. 44177

The Idaho Supreme Court vacated the Ada County district court's award of restitution entered under Idaho Code section 37-2732(k) requiring Jamie Nelson to pay the State's expenses actually incurred while prosecuting Nelson's drug convictions. Emphasizing that the only "evidence" supporting the State's request for restitution was a one-paragraph, unsworn statement, the Court held that the award of restitution was not supported by evidence and vacated the award. Additionally, because the State already had two opportunities to claim restitution but never presented sufficient evidence, the Court declined to remand the case.