

VIA ZOOM, TUESDAY, SEPTEMBER 07, 2021, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48045

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|------------------------------|---|
| STATE OF IDAHO, |) |
| |) |
| Plaintiff-Respondent, |) |
| |) |
| v. |) |
| |) |
| ANNA ANNETTE MALLORY, |) |
| |) |
| Defendant-Appellant. |) |
| _____ |) |

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Scott Wayman, District Judge.

Richard K. Kuck, Coeur d'Alene, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

The State charged Anna Annette Mallory with grand theft for embezzling funds from the Hayden Lake Eagles and with burglary for pawning a lawn mower she purchased with funds from the Hayden Lake Eagles. The State also alleged Mallory was a habitual offender. The State sought restitution on behalf of the Hayden Lake Eagles, its insurance carrier, and the pawnshop. Mallory signed a pretrial settlement offer pleading guilty to the burglary charge in exchange for the State's dismissal of the grand theft charge and the habitual offender allegation. After several hearings on the issue of restitution, the district court entered restitution orders on behalf of the Hayden Lake Eagles and its insurance carrier. Mallory appeals those orders, arguing she did not consent under I.C. § 19-5304(9) to the district court ordering restitution on the grand theft charge, which was not before the court.