

BOISE, MONDAY, FEBRUARY 12 2024 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,

Plaintiff-Respondent,

v.

HEATHER LEE HAWKING,

Defendant-Appellant.

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Docket No. 50927

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County.
Gerald F. Schroeder District Judge.

Erik R. Lehtinen, State Appellate Public Defender, Boise, for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

Defendant Heather Lee Hawking (“Hawking”) appeals 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 restitution to the Super 8 Motel 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 trial, the motel was sold, and ownership changed. In ordering restitution, the magistrate court ruled that because the new owner took the property in a damaged condition, they essentially stepped into the shoes of the previous 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 subsequently appealed to the Idaho Court of Appeals. She argued that the magistrate court abused its discretion in ordering restitution because the State did not present evidence regarding the terms of the motel’s sale or whether the new owner was already compensated for the room’s condition and the need for renovations. Hawking argued that the motel’s owner at the time of the incident was the victim, and substantial evidence did not support the magistrate court’s conclusion that the new owner was the victim who suffered economic loss. The Court of Appeals affirmed the magistrate court’s restitution order.

Hawking timely petitioned the Idaho Supreme Court for review, which was granted.