

**WEDNESDAY, DECEMBER 8, 2021, AT 10:00A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>STATE OF IDAHO,</b>	)	
	)	
<b>Plaintiff-Respondent,</b>	)	
	)	
<b>v.</b>	)	<b>Docket No. 48068 / 48069</b>
	)	
<b>CASEY ROY CASPER,</b>	)	
	)	
<b>Defendant-Appellant.</b>	)	

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Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Samuel A. Hoagland, District Judge.

Eric Don Fredericksen, State Appellate Public Defender, Boise, for Appellant.

Lawrence G. Wasden, Idaho Attorney General, Boise, for Respondent.

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This appeal consists of two consolidated cases on drug-related charges. Following a police investigation, the State prosecuted Casey Casper in what ultimately became two jury trials. The first resulted in a mistrial, the second in a split verdict: the jury found Casper guilty of possession of methamphetamine and possession of drug paraphernalia, but not guilty of trafficking methamphetamine. Casper appeals his sentences for the possession charges, arguing they are excessive in light of the mitigating factors that warranted a more lenient sentence. Casper also challenges certain costs in the district court's restitution order as unlawful under a plain interpretation of Idaho Code section 37-2732(k). While he agrees to pay the restitution costs that resulted in his convictions for possession of methamphetamine and possession of drug paraphernalia, Casper argues that additional restitution costs are unlawful where his first trafficking charge resulted in a mistrial and later acquittal rather than a conviction.