

SUMMARY STATEMENT

State v. Wisdom

No. 44444

The Idaho Supreme Court affirmed the Ada County District Court's award of restitution under Idaho Code section 19-5304. The award requires Christina Wisdom to pay \$11,069.82 for counseling services for the victim injured by her crime and is made payable to Idaho Medicaid State Operations (IMSO). Although Wisdom argued the district court erred by entering the award absent proof that IMSO is a "victim" under Idaho Code section 19-5304(1)(e), the Court declined to address that argument since Wisdom did not preserve it for appeal. Further, the Court held that the district court correctly found that Wisdom caused the victim's need for counseling even though Wisdom did not set the course of abuse in motion. Finally, the Court held that the district court properly found that Wisdom had a foreseeable ability to repay the award.