

SUMMARY STATEMENT

State v. Cunningham

Docket No. 45253

The Supreme Court vacated the district court's award of restitution because it was not supported by substantial evidence. This was the second time this case is on appeal. In the first appeal, the Supreme Court vacated the district court's award of restitution and remanded the case. After conducting a second restitution hearing and hearing live testimony from an administrative assistant with the Ada County prosecuting attorney's office, the district court awarded restitution to the State in the amount of \$906.75 (over \$1000 less than awarded at the first hearing). Cunningham appealed again, arguing that the district court erred in awarding restitution. The Supreme Court held that the district court improperly admitted hearsay evidence at the hearing and that the district court abused its discretion by awarding restitution without substantial evidence of the prosecution's costs. The Court declined to remand the case.