

SUMMARY STATEMENT

State v. Mohamad Bakir Ali Habeb

Docket No. 45949

In this case arising out of Ada County, the Court of Appeals affirmed a judgment of restitution against Mohamad Bakir Ali Habeb. Habeb was found guilty of felony malicious injury to property after he hit the victim's vehicle with a baseball bat. The district court granted the State's request for restitution in the amount of \$5,860.45 to repair the vehicle.

On appeal, Habeb argued the district court erred in awarding restitution, asserting there was insufficient evidence to support the award. Specifically, Habeb argued that the State failed to establish that the estimated repair costs did not exceed the vehicle's fair market value. Habeb further argued that the district court improperly shifted the burden to him to disprove the State's evidence supporting the requested restitution. The Court of Appeals held there was sufficient evidence to support the district court's conclusion that the cost of repair was an appropriate measure of restitution.