

IN THE COURT OF APPEALS OF IOWA

No. 1-900 / 11-0427
Filed January 19, 2012

STATE OF IOWA,
Plaintiff-Appellee,

vs.

WILLIAM JACOB HUISMAN,
Defendant-Appellant.

Appeal from the Iowa District Court for Franklin County, Peter B. Newell,
District Associate Judge.

The defendant challenges the restitution order entered following the entry
of deferred judgment. **APPEAL DISMISSED.**

Brian D. Miller of Miller & Miller, P.C., Hampton, for appellant.

Thomas J. Miller, Attorney General, Martha E. Trout, Assistant Attorney
General, and Randal J. Tilton, County Attorney, for appellee.

Considered by Danilson, P.J., and Tabor and Mullins, JJ.

DANILSON, P.J.

William J. Huisman received a deferred judgment and appeals, challenging the restitution order. The supreme court, on its own motion, noted review is not a matter of right. See *State v. Stessman*, 460 N.W.2d 461, 464 (Iowa 1990) (“[T]he proper route of possible review for a restitution order issued as part of or following a deferred judgment is an application for discretionary review.”). It ordered the parties to file statements as to why discretionary review should be granted, ordered the issue submitted with the appeal, and then transferred the case to this court.

Huisman contends review is warranted because the restitution order amounts to a windfall to the theft victim. The State argues the restitution was for the insurance deductible the victim paid in order to obtain necessary replacement farming equipment and fits within the definition of pecuniary damages as defined by statute. Finding no “question of law important to the judiciary or the profession,” see Iowa Code § 814.6 (2011), nor that “substantial justice has not been accorded the applicant,” see Iowa R. App. P. 6.106(2), we decline discretionary review.

The appeal is dismissed.

APPEAL DISMISSED.