

IN THE SUPREME COURT OF IOWA

No. 13-0830

Filed June 30, 2015

STATE OF IOWA,

Appellee,

vs.

HILLARY LEE TYLER,

Appellant.

On review from the Iowa Court of Appeals.

Appeal from the Iowa District Court for Webster County, Thomas J. Bice, Judge.

Defendant appeals and State cross-appeals district court restitution order requiring defendant pay restitution to the Crime Victim Compensation Program. **DISTRICT COURT JUDGMENT REVERSED.**

Mark C. Smith, State Appellate Defender, and Maria Ruhtenberg, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Tyler J. Buller and Laura Roan, Assistant Attorneys General, and Ricki Osborn and Cori Kuhn Coleman, County Attorneys, for appellee.

PER CURIAM.

Based on our decision in *State v. Tyler*, ___ N.W.2d ___ (Iowa 2015), we reverse the district court's restitution order requiring Hillary Tyler to pay restitution to the Crime Victim Compensation Program. Restitution is contingent on the entry of "a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered." Iowa Code § 910.2(1) (2013). Therefore, because we reverse and remand the underlying criminal case for a new trial, there is no plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction was rendered so as to authorize restitution at this time. We reverse the judgment of the district court.

DISTRICT COURT JUDGMENT REVERSED.

This opinion shall not be published.