

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44618

STATE OF IDAHO,) 2017 Unpublished Opinion No. 498
)
Plaintiff-Respondent,) Filed: June 22, 2017
)
v.) Karel A. Lehrman, Clerk
)
WILLIAM JOEL SANCHEZ,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Bradly S. Ford, District Judge.

Order revoking probation, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Aaron J. Currin, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before GRATTON, Chief Judge; GUTIERREZ, Judge;
and MELANSON, Judge

PER CURIAM

William Joel Sanchez pled guilty to burglary, Idaho Code § 18-1401. In exchange for his guilty plea, an additional charge was dismissed. The district court imposed a unified sentence of seven years, with a minimum period of confinement of three years, suspended the sentence and placed Sanchez on supervised probation. Following a report of probation violation, the district court revoked Sanchez's probation and executed the underlying sentence, but after a period of retained jurisdiction, suspended the sentence and returned Sanchez to probation. Subsequently, Sanchez admitted to violating the terms of the probation. The district court reinstated probation with the condition that Sanchez successfully complete the Drug Court program. Sanchez was

terminated from Drug Court in violation of his probation, and the district court consequently revoked probation and ordered execution of the original sentence. Sanchez appeals, contending that the district court abused its discretion in revoking probation.

It is within the trial court's discretion to revoke probation if any of the terms and conditions of the probation have been violated. I.C. §§ 19-2603, 20-222; *State v. Beckett*, 122 Idaho 324, 325, 834 P.2d 326, 327 (Ct. App. 1992); *State v. Adams*, 115 Idaho 1053, 1054, 772 P.2d 260, 261 (Ct. App. 1989); *State v. Hass*, 114 Idaho 554, 558, 758 P.2d 713, 717 (Ct. App. 1988). In determining whether to revoke probation a court must examine whether the probation is achieving the goal of rehabilitation and consistent with the protection of society. *State v. Upton*, 127 Idaho 274, 275, 899 P.2d 984, 985 (Ct. App. 1995); *Beckett*, 122 Idaho at 325, 834 P.2d at 327; *Hass*, 114 Idaho at 558, 758 P.2d at 717. The court may, after a probation violation has been established, order that the suspended sentence be executed or, in the alternative, the court is authorized under I.C.R. 35 to reduce the sentence. *Beckett*, 122 Idaho at 325, 834 P.2d at 327; *State v. Marks*, 116 Idaho 976, 977, 783 P.2d 315, 316 (Ct. App. 1989). The court may also order a period of retained jurisdiction. I.C. § 19-2601. A decision to revoke probation will be disturbed on appeal only upon a showing that the trial court abused its discretion. *Beckett*, 122 Idaho at 325, 834 P.2d at 327. In reviewing the propriety of a probation revocation, the focus of the inquiry is the conduct underlying the trial court's decision to revoke probation. *State v. Morgan*, 153 Idaho 618, 621, 288 P.3d 835, 838 (Ct. App. 2012). Thus, this Court will consider the elements of the record before the trial court relevant to the revocation of probation issues which are properly made part of the record on appeal. *Id.*

Applying the foregoing standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion either in revoking probation or in ordering execution of Sanchez's sentence without modification. Therefore, the order revoking probation and directing execution of Sanchez's previously suspended sentence is affirmed.