

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 46768/46769

STATE OF IDAHO,	)
	) <b>Filed: November 19, 2019</b>
<b>Plaintiff-Respondent,</b>	)
	) <b>Karel A. Lehrman, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
<b>DANIEL NICHOLS BYERS,</b>	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
<b>Defendant-Appellant.</b>	)
_____	)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Jason D. Scott, District Judge.

Appeal dismissed.

Eric D. Fredericksen, State Appellate Public Defender; Andrea W. Reynolds, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

---

Before GRATTON, Chief Judge; HUSKEY, Judge;  
and BRAILSFORD, Judge

---

PER CURIAM

In Docket No. 46768, Daniel Nicholas Byers pled guilty to possession of a controlled substance, Idaho Code § 37-2732(c). The district court sentenced Byers to a unified term of five years with one and one-half years determinate, suspended the sentence and placed Byers on supervised probation for five years. Subsequently, Byers admitted to violating the terms of the probation and pled guilty to a new charge of possession of a controlled substance, I.C. § 37-2732(c) (Docket No. 46769). The district court reinstated Byers on probation in Docket No. 46768 and imposed a concurrent unified sentence of five years with two years determinate, suspended the sentence and placed Buyers on supervision probation for five years in Docket No. 46769.

A case becomes moot when the issues presented are no longer live or the defendant lacks a legally cognizable interest in the outcome. *Murphy v. Hunt*, 455 U.S. 478, 481 (1982); *Bradshaw v. State*, 120 Idaho 429, 432, 816 P.2d 986, 989 (1991). Even where a question is moot, there are three exceptions to the mootness doctrine: (1) when there is the possibility of collateral legal consequences imposed on the person raising the issue; (2) when the challenged conduct is likely to evade judicial review and thus is capable of repetition; and (3) when an otherwise moot issue raises concerns of substantial public interest. *State v. Barclay*, 149 Idaho 6, 8, 232 P.3d 327, 329 (2010). The only relief Byers has requested on appeal cannot be granted because Byers has been placed back on probation. Therefore, any judicial relief from this Court would have no effect on either party.

Accordingly, Byers' appeal from the order revoking probation is dismissed.