

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47104

STATE OF IDAHO,	)
	) <b>Filed: March 26, 2020</b>
<b>Plaintiff-Respondent,</b>	)
	) <b>Karel A. Lehrman, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
ELI ROBERT HUDON,	) <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. Deborah A. Bail, District Judge.

Appeal dismissed.

Eric D. Fredericksen, State Appellate Public Defender; R. Jonathan Shirts, Deputy Appellate Public Defender, Boise, for appellant.

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

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Before GRATTON, Judge; LORELLO, Judge;  
and BRAILSFORD, Judge

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PER CURIAM

Eli Robert Hudon pled guilty to possession of a controlled substance. Idaho Code § 37-2732(c). The district court sentenced Hudon to a unified term of seven years with two years determinate, suspended the sentence, and placed Hudon on probation for seven years. Subsequently, Hudon admitted to violating the terms of the probation, and the district court consequently revoked probation, ordered execution of the original sentence, and retained jurisdiction. After the period of retained jurisdiction, the district court commuted Hudon’s sentence to “time already served in this case.” Hudon appeals, contending that the district court abused its discretion in revoking probation. The issue Hudon raises on appeal is moot.

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 Hudon has requested on appeal cannot be granted because Hudon's sentence has been commuted. Therefore, any judicial relief from this Court would have no effect on either party.

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