

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47349

STATE OF IDAHO,)	
)	Filed: March 24, 2020
Plaintiff-Respondent,)	
)	Karel A. Lehrman, Clerk
v.)	
)	THIS IS AN UNPUBLISHED
KIMBERLEY LANORE KENDALL,)	OPINION AND SHALL NOT
)	BE CITED AS AUTHORITY
Defendant-Appellant.)	
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Appeal from the District Court of the First Judicial District, State of Idaho, Benewah County. Hon. Scott Wayman, District Judge.

Appeal from order revoking probation, dismissed.

Eric D. Fredericksen, State Appellate Public Defender; Ben P. McGreevy, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Kimberley Lanore Kendall pled guilty to felony operating a motor vehicle under the influence of alcohol, Idaho Code § 18-8004, 18-8005(5). The district court imposed a unified sentence of three years with one and one-half years determinate, suspended the sentence, and placed Kendall on probation. Kendall subsequently violated the terms of her probation, and the district court revoked probation, ordered execution of the sentence, and retained jurisdiction. On appeal, although the district court has placed her back on probation, Kendall continues to assert that the district court erred in revoking probation, executing her sentence, and retaining jurisdiction.

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 Kendall has requested on appeal cannot be granted because Kendall has been placed back on probation. Therefore, any judicial relief from this Court would have no effect on either party. *See id.*

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