

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47645

STATE OF IDAHO,)
) **Filed: August 10, 2020**
) **Plaintiff-Respondent,**)
) **Melanie Gagnepain, Clerk**
v.)
) **THIS IS AN UNPUBLISHED**
NICKOLAS RYAN BROWN,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)
_____)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. John T. Mitchell, District Judge.

Appeal from order revoking probation and retaining jurisdiction, dismissed.

Eric D. Fredericksen, State Appellate Public Defender; Sally J. Cooley, 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

Nickolas Ryan Brown pled guilty to felony operating a motor vehicle without the owner's consent, Idaho Code § 49-228. The district court imposed a unified sentence of five years with two years determinate, suspended the sentence, and placed Brown on probation. Brown subsequently violated his probation, and the district court continued him on probation. After a second probation violation, the district court revoked Brown's probation, executed the underlying sentence and retained jurisdiction. Brown appealed, contending the district court abused its discretion in revoking his probation and retaining jurisdiction. Brown has since

completed the period of retained jurisdiction, and the district court has placed him on supervised probation for three years.

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

Accordingly, Brown's appeal from the order revoking probation and retaining jurisdiction is dismissed.