

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47774

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, ) **Filed: January 21, 2021**  
 )  
 v. ) **Melanie Gagnepain, Clerk**  
 )  
 NOLAN LEE HOBBS, ) **THIS IS AN UNPUBLISHED**  
 ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 Defendant-Appellant. )  
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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

Order revoking probation and executing original sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jacob L. Westerfield, 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 HUSKEY, Chief Judge; GRATTON, Judge;  
and LORELLO, Judge

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PER CURIAM

Nolan Lee Hobbs pleaded guilty to grand theft, in violation of Idaho Code § 18-2403(1), and the district court sentenced Hobbs to a unified term of seven years, with three years determinate, and retained jurisdiction. After Hobbs successfully completed the period of retained jurisdiction, the district court suspended the sentence and placed Hobbs on probation. Approximately two months later, the State filed a probation violation motion alleging that Hobbs had violated several terms or conditions of probation. Following a hearing, the district court found that Hobbs had not violated any of the terms of probation except the one admitted by Hobbs--that he committed the crime of misdemeanor driving under the influence. The district

court revoked probation and executed the previously suspended sentence. Hobbs appeals, contending that the district court erred 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. 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.*

When a trial court's discretionary decision is reviewed on appeal, the appellate court conducts a multi-tiered inquiry to determine whether the lower court: (1) correctly perceived the issue as one of discretion; (2) acted within the boundaries of such discretion; (3) acted consistently with any legal standards applicable to the specific choices before it; and (4) reached its decision by an exercise of reason. *State v. Herrera*, 164 Idaho 261, 270, 429 P.3d 149, 158 (2018).

Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion when it revoked probation and imposed the previously suspended sentence. Therefore, the district court's order revoking probation is affirmed.