

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48096

STATE OF IDAHO,)
) Filed: December 30, 2020
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
JUSTIN MILO BEESON,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Samuel Hoagland, District Judge.

Appeal dismissed.

Eric D. Fredericksen, State Appellate Public Defender; Jenevieve C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Justin Milo Beeson pled guilty to battery on a correctional employee, Idaho Code §§ 18-915(2), 18-903, 19-2520F. The district court imposed a two-year determinate term to run consecutive to Beeson’s indeterminate life sentence in a separate case. Beeson filed a petition for post-conviction relief in that case, and his right to appeal was reinstated. As a result, the district court entered a superseding judgment of conviction in the present case, from which Beeson appeals. On appeal, Beeson concedes that he has already served his two-year determinate sentence for battery and that his challenge is moot but, nevertheless, he continues to assert that the district court abused its discretion by imposing an excessive sentence.

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 Beeson has requested on appeal cannot be granted because he has already served his sentence. Therefore, any judicial relief from this Court would have no effect on either party. *See id.* Accordingly, Beeson's appeal is dismissed.