

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48210

STATE OF IDAHO,)	
)	Filed: March 26, 2021
Plaintiff-Respondent,)	
)	Melanie Gagnepain, Clerk
v.)	
)	THIS IS AN UNPUBLISHED
CODY ROBERT BRIGGS,)	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. Nancy Baskin, District Judge.

Order revoking probation, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Emily M. Joyce, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

1 Cody Robert Briggs pleaded guilty to possession of a controlled substance, Idaho Code
2 § 37-2732(c), and the district court sentenced Briggs to seven years, with two years determinate,
3 but after a period of retained jurisdiction, suspended the sentence and placed Briggs on
4 probation. Subsequently, Briggs admitted to violating the terms of his probation, and the district
5 court revoked his probation and continued him on probation. Briggs admitted to violating the
6 terms of his probation again, and the district court revoked probation and ordered execution of

7 the original suspended sentence. Briggs appeals, contending that the district court abused its
8 discretion in revoking probation.

9 It is within the trial court's discretion to revoke probation if any of the terms and
10 conditions of the probation have been violated. I.C. §§ 19-2603, 20-222; *State v. Beckett*, 122
11 Idaho 324, 325, 834 P.2d 326, 327 (Ct. App. 1992); *State v. Adams*, 115 Idaho 1053, 1054, 772
12 P.2d 260, 261 (Ct. App. 1989); *State v. Hass*, 114 Idaho 554, 558, 758 P.2d 713, 717 (Ct. App.
13 1988). In determining whether to revoke probation, a court must examine whether the probation
14 is achieving the goal of rehabilitation and consistent with the protection of society. *State v.*
15 *Upton*, 127 Idaho 274, 275, 899 P.2d 984, 985 (Ct. App. 1995); *Beckett*, 122 Idaho at 325, 834
16 P.2d at 327; *Hass*, 114 Idaho at 558, 758 P.2d at 717. The court may, after a probation violation
17 has been established, order that the suspended sentence be executed or, in the alternative, the
18 court is authorized under Idaho Criminal Rule 35 to reduce the sentence. *Beckett*, 122 Idaho at
19 325, 834 P.2d at 327; *State v. Marks*, 116 Idaho 976, 977, 783 P.2d 315, 316 (Ct. App. 1989).
20 The court may also order a period of retained jurisdiction. I.C. § 19-2601. A decision to revoke
21 probation will be disturbed on appeal only upon a showing that the trial court abused its
22 discretion. *Beckett*, 122 Idaho at 325, 834 P.2d at 327. In reviewing the propriety of a probation
23 revocation, the focus of the inquiry is the conduct underlying the trial court's decision to revoke
24 probation. *State v. Morgan*, 153 Idaho 618, 621, 288 P.3d 835, 838 (Ct. App. 2012). Thus, this
25 Court will consider the elements of the record before the trial court relevant to the revocation of
26 probation issues which are properly made part of the record on appeal. *Id.*

27 Applying the foregoing standards, and having reviewed the record in this case, we cannot
28 say that the district court abused its discretion in revoking probation or in ordering execution of
29 Briggs's sentence without modification. Therefore, the order revoking probation and directing
30 execution of Briggs's previously suspended sentence is affirmed.