

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 48416 & 48417

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, ) **Filed: November 2, 2021**  
 )  
 v. ) **Melanie Gagnepain, Clerk**  
 )  
 UMBERTO MAINES CARON, ) **THIS IS AN UNPUBLISHED**  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 First Judicial District, State of Idaho, Shoshone County. Hon. Scott Wayman, District Judge.

Orders revoking probation and executing the previously suspended sentences, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kiley A. Heffner, 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

This appeal involves two cases. In Docket No. 48416, Umberto Maines Caron pleaded guilty to aggravated assault, Idaho Code § 18-905. In Docket No. 48417, Caron pleaded guilty to manufacturing marijuana, I.C. § 37-2732(a)(1)(B). In exchange for his guilty pleas, additional charges were dismissed. For each charge, the district court sentenced Caron to a unified four-year sentence, with one year determinate, suspended the sentences, and placed Caron on probation. Caron subsequently admitted to violating the terms of probation in each case. As a result, the district court revoked probation and retained jurisdiction. After Caron completed the period of retained jurisdiction, the district court suspended the sentences and placed Caron on probation.

Caron violated probation twice more and each time the district court reinstated Caron's probation. Thereafter, Caron again admitted to violating the terms of his probation and the district court revoked probation and ordered execution of the original sentences. Caron appeals, contending that the district court abused its discretion 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. The court may, after a probation violation has been established, order that the suspended sentence be executed or, in the alternative, the court is authorized under I.C.R. 35 to reduce the sentence. *Beckett*, 122 Idaho at 325, 834 P.2d at 327; *State v. Marks*, 116 Idaho 976, 977, 783 P.2d 315, 316 (Ct. App. 1989). The court may also order a period of retained jurisdiction. I.C. § 19-2601. 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.*

Applying the foregoing standards, and having reviewed the records in this case, we cannot say that the district court abused its discretion either in revoking probation or in ordering execution of Caron's previously suspended sentences. Therefore, the orders revoking probation and directing execution of Caron's previously suspended sentences affirmed.