

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49169

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: August 4, 2022**
)
 v.) **Melanie Gagnepain, Clerk**
) **THIS IS AN UNPUBLISHED**
 BOBBIE MAY SANFORD,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
)

Appeal from the District Court of the Second Judicial District, State of Idaho, Idaho County. Hon. Gregory FitzMaurice, District Judge.

Appeal from order revoking probation, dismissed.

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.

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

PER CURIAM

Bobbie May Sanford pleaded guilty to burglary, Idaho Code § 18-1401. The district court imposed a unified sentence of eight years, with a minimum period of incarceration of four years, but after a period of retained jurisdiction, suspended the sentence and placed Sanford on probation. Subsequently, Sanford admitted to violating the terms of the probation, and the district court consequently revoked probation, but retained jurisdiction for a second time. Sanford timely appealed. Since filing the appeal, Stanford has completed her period of retained jurisdiction and the district court placed her on probation. On appeal, “mindful of the mootness doctrine,” Sanford asserts that the district court abused its discretion in revoking probation and retaining jurisdiction rather than continuing her on probation.

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

Accordingly, Sanford's appeal from the order revoking probation is dismissed.