

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 49338 & 49339

STATE OF IDAHO,)
) **Filed: September 2, 2022**
 Plaintiff-Respondent,)
) **Melanie Gagnepain, Clerk**
 v.)
) **THIS IS AN UNPUBLISHED**
 SHAUNA RACHELLE SIMON,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
 _____)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. John T. Mitchell, District Judge.

Appeals from orders revoking probation, dismissed.

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.

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

PER CURIAM

In Docket No. 49338, Shauna Rachelle Simon pled guilty to felony driving under the influence (DUI). I.C. §§ 18-8004 and 18-8005(6). The district court sentenced Simon to a unified term of ten years, with a minimum period of confinement of three years. The district court suspended the sentence and placed Simon on probation. Thereafter, Simon admitted to violating the terms of her probation. The district court revoked probation but retained jurisdiction and sent Simon to participate in the rider program. After completing her rider, the district court suspended the sentence and placed Simon on probation.

In Docket No. 49339, Simon pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). The district court sentenced Simon to a unified term of seven years, with a minimum period of confinement of three years, to run consecutively to her sentence for felony DUI. Simon admitted to violating the terms of her probation in her felony DUI case. The district court revoked Simon's probation for felony DUI, but retained jurisdiction in both cases. After completing her rider, the district court suspended Simon's sentences and placed her on probation.

Thereafter, Simon again admitted to violating the terms of her probation. The district court revoked probation and again retained jurisdiction in both cases. After again completing her retained jurisdiction, the district court again suspended the sentences and returned Simon to probation. Mindful that Simon received the relief she asked for, she appeals and asserts that the district court erred in revoking 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 Simon has requested on appeal cannot be granted because she was again placed on probation. Therefore, any judicial relief from this Court would have no effect on either party. *See id.*

Accordingly, Simon's appeals from the orders revoking probation are dismissed.