

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 49451/49466

STATE OF IDAHO,)
) Filed: December 9, 2022
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
SANDRA CHRISTINE SHADDUCK,) 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. Scott L. Wayman, District Judge.

Orders revoking probation, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kimberly A. Coster, 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

This is a consolidated appeal. In Docket No. 49451, Sandra Christine Shadduck pled guilty to felony malicious injury to property, Idaho Code § 18-7001(2). The district court imposed a unified term of five years with two years determinate, suspended the sentence, and placed Shadduck on probation for two years. Subsequently, Shadduck was found to have violated the terms of probation, and the district court continued her probation for two years and ordered that Shadduck complete the Kootenai County Drug Court program. Shadduck was later ordered to serve fourteen days in jail for violating her probation. While in jail, Shadduck pled guilty to delivery of a controlled substance, I.C. § 37-2732(a)(1)(A) (Docket No. 49466). The district court imposed a sentence of five years with two years determinate, retained jurisdiction,

and ordered the sentence to run concurrently with the sentence in Docket No. 49451. Following the period of retained jurisdiction, the district court placed Shadduck on probation for a period of two years in both cases.

Several months later, Shadduck again admitted to violating probation and the district court revoked probation and directed execution of the concurrent underlying sentences of five years with two years determinate in both cases. Shadduck 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(4). 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 record in this case, we cannot say that the district court abused its discretion in revoking probation. Therefore, the orders revoking probation and directing execution of Shadduck's previously suspended sentences are affirmed.