

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49607

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: February 2, 2023**
)
 v.) **Melanie Gagnepain, Clerk**
)
 MELVIN ERNALDO MEJIA,) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
)
 Defendant-Appellant.)
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Cynthia Yee-Wallace, District Judge.

Appeal from judgment of conviction and unified sentence of five years, with a minimum period of confinement of two years, for possession of a controlled substance, dismissed.

Eric D. Fredericksen, State Appellate Public Defender; Kiley A. Heffner, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Melvin Ernaldo Mejia pled guilty to possession of a controlled substance. I.C. § 37-2732(c). In exchange for his guilty plea, additional charges were dismissed. The district court sentenced Mejia to a unified term of five years, with a minimum period of confinement of two years, but retained jurisdiction and sent Mejia to participate in the rider program. Mejia appeals, arguing that his sentence is excessive because the district court should have placed him on

probation. During the pendency of this appeal, the district court suspended Mejia's sentence and placed him on probation. Therefore, the State argues that Mejia's appeal is now moot.

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 Mejia has requested on appeal cannot be granted because he has served his term, and he has not identified an exception to the mootness doctrine that would otherwise make his claim of error justiciable. As such, any judicial relief from this Court would have no effect on either party. *See id.*

Mejia's appeal from his judgment of conviction and sentence is dismissed.