

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49610

STATE OF IDAHO,	)
	) <b>Filed: December 5, 2022</b>
<b>Plaintiff-Respondent,</b>	)
	) <b>Melanie Gagnepain, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
<b>MATTHEW LAMAR LANGFORD,</b>	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
<b>Defendant-Appellant.</b>	)
_____	)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Patrick J. Miller, District Judge.

Order revoking probation, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Andrea W. Reynolds, 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

Matthew Lamar Langford pled guilty to forgery, Idaho Code § 18-3601. In exchange for his guilty plea, additional charges were dismissed. The district court imposed a unified term of six years with two and one-half years determinate, suspended the sentence, and placed Langford on probation for five years. Subsequently, Langford admitted to violating the terms of the probation, and the district court continued Langford’s probation and ordered additional conditions on Langford’s probation. Langford again admitted to violating his probation and asked to be placed in mental health court (MHC). Langford was admitted into MHC and the district court revoked Langford’s previously suspended sentence, imposed his original sentence, and reinstated probation on the condition that Langford participate and complete MHC.

Langford later violated the terms of MHC and was removed from the program. The district court removed the requirement of completion of MHC and allowed Langford to remain on probation while living in an assisted living home with all other terms in full effect including engagement in substance abuse treatment.

Langford admitted to again violating his probation. The district court revoked Langford's probation, executed his previously imposed sentence and reduced the determinate portion of Langford's sentence by one year for a unified term of five years with one and one-half years determinate. Langford appeals, arguing the district court abused its discretion in revoking his 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 either in revoking probation or in ordering execution of Langford's reduced sentence. Therefore, the order revoking probation and directing execution of Langford's reduced sentence is affirmed.