

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51400

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 ALEXANDER MICHAEL PECUNIA-)
 HINES,)
)
 Defendant-Appellant.)
)
)

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. George A. Southworth, Senior District Judge.

Judgment of conviction and unified sentence of seven years, with a minimum period of confinement of two years, for felony driving under the influence, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Andrea W. Reynolds, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Alexander Michael Pecunia-Hines pled guilty to felony driving under the influence, Idaho Code § 18-8005(9). In exchange for his guilty plea, an additional charge was dismissed. The district court imposed a unified term of seven years with two years determinate and retained jurisdiction. Pecunia-Hines appeals, contending that the district court should have suspended Pecunia-Hines' sentence and placed him on probation.

Pecunia-Hines' claim that the district court abused its discretion when it retained jurisdiction is now moot since he was placed on probation following the period of retained

jurisdiction. 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).

Therefore, Pecunia-Hines' judgment of conviction and sentence are affirmed.