

U, THURSDAY, SEPTEMBER 14, 2017, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43877

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 KILO J. LeVEQUE,)
)
 Defendant-Appellant.)
)

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

Eric D. Fredericksen, State Appellate Public Defender; Brian R. Dickson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Russell J. Spencer, Deputy Attorney General, Boise, for respondent.

Kilo J. Le Veque was convicted of burglary and possession of methamphetamine. The district court imposed concurrent sentences and retained jurisdiction. Following an initial period of retained jurisdiction, the district court suspended Le Veque's sentence and placed him on probation. It was later discovered that Le Veque was previously convicted of a sex offense in a different jurisdiction and consequently, Le Veque's terms of probation were amended. Subsequently, the district court found that Le Veque had willfully violated the terms of his probation, including failing a polygraph examination relating to his sexual history and then removed from sex offender treatment.

The district court revoked probation and executed the underlying sentence, but again retained jurisdiction. In its probation violation disposition, the district court stated that Le Veque was to successfully complete another polygraph examination. At the subsequent jurisdictional review hearing, the district judge noted that Le Veque had not retaken the polygraph examination and relinquished jurisdiction. Le Veque appeals arguing that the district court abused its discretion when it relinquished jurisdiction and when it revoked Le Veque's probation.