

**BOISE, FRIDAY, NOVEMBER 6, 2020 AT 8:50 A.M.**

**IN THE SUPREME COURT OF THE STATE OF IDAHO**

<b>STATE OF IDAHO,</b>	)	
	)	
<b>Plaintiff-Respondent,</b>	)	
	)	<b>Docket No. 46554</b>
<b>v.</b>	)	
	)	
<b>MAX J. GORRINGE,</b>	)	
	)	
<b>Defendant-Appellant.</b>	)	

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Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Thomas W. Whitney, District Judge.

Eric D. Frederickson, State Appellate Public Defender, Boise, for Appellant.

Lawrence G. Wasden, Idaho Attorney General, Boise, for Respondent.

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Defendant Max Gorringer appeals from the district court's order amending a no contact order. A no contact order was originally entered against Gorringer after he was charged with attempted strangulation in 2011. Upon acceptance of Gorringer's guilty plea to that charge in 2012, the district court rescinded the existing no contact order; however, in its place, the district court incorporated a new no contact order into the Judgment and Commitment.

In 2018, Gorringer was charged with a misdemeanor in magistrate court for allegedly violating the no contact order. Gorringer sought that the order be clarified by the district court that originally entered the judgment. Gorringer moved the district court to modify the no contact order and the parties then stipulated to an amendment of the order in exchange for the dismissal of Gorringer's misdemeanor charge. Although the district court expressed reservations regarding its jurisdiction to amend the order because it had ultimately been incorporated into the prior Judgment and Commitment, it nonetheless amended the 2012 no contact order based on the parties' stipulation and the State's assurance that the victim did not object to the amendment.

Gorringer now appeals the district court's order amending the no contact order, asserting that the no contact provision incorporated into the 2012 Judgment and Commitment was invalid. Gorringer also asserts that the district court lacked subject matter jurisdiction amend the order.