

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 53522

|                              |                                   |
|------------------------------|-----------------------------------|
| STATE OF IDAHO,              | )                                 |
|                              | ) <b>Filed: October 14, 2026</b>  |
| Plaintiff-Respondent,        | )                                 |
|                              | ) <b>Melanie Gagnepain, Clerk</b> |
| v.                           | )                                 |
|                              | ) <b>THIS IS AN UNPUBLISHED</b>   |
| SETH CHRISTOPHER JAMES DUNN, | ) <b>OPINION AND SHALL NOT</b>    |
|                              | ) <b>BE CITED AS AUTHORITY</b>    |
| Defendant-Appellant.         | )                                 |
| _____                        | )                                 |

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Barry McHugh, District Judge.

Appeal from order revoking probation, dismissed.

Erik R. Lehtinen, State Appellate Public Defender; Abigail E. Schulz, Deputy Appellate Public Defender, Boise, for appellant.

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

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Before TRIBE, Chief Judge; LORELLO Judge;  
and PETTY, Judge  
\_\_\_\_\_

PER CURIAM

Seth Christopher James Dunn pled guilty to aggravated assault. I.C. §§ 18-901 and 18-905. In exchange for his guilty plea, additional charges were dismissed. The district court sentenced Dunn to a unified term of five years, with a minimum period of confinement of two years, but after a period of retained jurisdiction, suspended the sentence and placed Dunn on probation.<sup>1</sup> Subsequently, Dunn admitted to violating the terms of the probation, and the district

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<sup>1</sup> Dunn also pled guilty to and was sentenced for a misdemeanor. However, that judgment of conviction and sentence are not challenged on appeal.

court consequently revoked probation and ordered execution of the original sentence. Dunn appealed, contending that the district court abused its discretion in revoking his probation. However, the district court has since placed Dunn on probation.

Mindful that Dunn has been reinstated on probation, he argues the district court abused its discretion in revoking his probation. 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 relief Dunn has requested on appeal cannot be granted because he has been returned to probation. Therefore, any judicial relief from this Court would have no effect on either party. *See id.*

Therefore, the appeal from Dunn's order revoking probation is dismissed.