IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 53001 & 53002

STATE OF IDAHO,	)	
	)	**Filed: October 30, 2026**
Plaintiff-Respondent,	)	
	)	**Melanie Gagnepain, Clerk**
v.	)	
	)	**THIS IS AN UNPUBLISHED**
MERIAH JEAN EMERSON,	)	**OPINION AND SHALL NOT**
	)	**BE CITED AS AUTHORITY**
Defendant-Appellant.	)	
	)	

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Ross D. Pittman, District Judge.

Orders revoking probation, affirmed. Orders granting, in part, Idaho Criminal Rule 35 motions for reduction of sentences, affirmed.

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

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

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

PER CURIAM

This appeal involves two consolidated cases. In Docket No. 53001, Meriah Jean Emerson pled guilty to felony domestic battery. Idaho Code §§ 18-903, 18-918(2). The district court sentenced Emerson to a unified sentence of seven years, with a minimum period of incarceration of three years, but after a period of retained jurisdiction, suspended the sentence and placed Emerson on probation for a period of two years. While on probation, Emerson received a new criminal charge in Docket No. 53002. In Docket No. 53002, Emerson pled guilty to felony domestic battery. I.C. § 18-918(5). Simultaneously, Emerson admitted to violating the terms of probation in Docket No. 53001. In Docket No. 53002, the district court sentenced Emerson to a

unified sentence of seven years with a minimum period of incarceration of three years; however, the district court suspended the sentence and placed Emerson on probation for three years. In Docket No. 53001, the district court revoked probation and reinstated Emerson on probation for three years.[1] In January 2025, Emerson admitted to violating the terms of probation, and the district court consequently revoked probation and again placed Emerson on probation for three years. In May 2025, Emerson once again admitted to violating the terms of probation, and the district court consequently revoked probation and ordered execution of the original sentence in both Docket Nos. 53001 and 53002. Emerson filed I.C.R. 35 motions in both cases, seeking a reduction in her sentences, which the district court granted, in part, and reduced Emerson's sentences to a unified sentence of seven years, with a minimum period of incarceration of two years. Emerson appeals, contending that the district court abused its discretion in revoking probation and that the district court erred in not reducing her sentences further when it granted her I.C.R. 35 motions.

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. *State v. Urrabazo*, 150 Idaho 158, 162, 244 P.3d 1244, 1248 (2010). 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

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[1] The sentences in Docket Nos. 53001 and 53002 were ordered to run concurrently to each other.

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*.

When we review a sentence that is ordered into execution following a period of probation, we will examine the entire record encompassing events before and after the original judgment. *State v. Hanington*, 148 Idaho 26, 29, 218 P.3d 5, 8 (Ct. App. 2009). We base our review upon the facts existing when the sentence was imposed as well as events occurring between the original sentencing and the revocation of probation. *Id.* Thus, this Court will consider the elements of the record before the trial court that are properly made part of the record on appeal. *State v. Morgan*, 153 Idaho 618, 621, 288 P.3d 835, 838 (Ct. App. 2012).

Next, we note that a lower court's decision to grant or deny an I.C.R. 35 motion will not be disturbed in the absence of an abuse of discretion. *State v. Villarreal*, 126 Idaho 277, 281, 882 P.2d 444, 448 (Ct. App. 1994). Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established. *See State v. Hernandez*, 121 Idaho 114, 822 P.2d 1011 (Ct. App. 1991); *State v. Toohill*, 103 Idaho 565, 650 P.2d 707 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Since the district court later modified Emerson's sentence, pursuant to her I.C.R. 35 motion, we will only review Emerson's modified sentence for an abuse of discretion. *See State v. McGonigal*, 122 Idaho 939, 940-41, 842 P.2d 275, 276-77 (1992). Emerson has the burden of showing a clear abuse of discretion on the part of the district court in failing to further reduce the sentence on Emerson's I.C.R. 35 motion. *See State v. Cotton*, 100 Idaho 573, 577, 602 P.2d 71, 75 (1979).

Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion in revoking probation, ordering execution of Emerson's reduced sentences, or granting, in part, the I.C.R. 35 motions. Therefore, the orders revoking probation and orders granting, in part, the reduction of Emerson's sentences are affirmed.