

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44433

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 MARJORIE BALLS KRAMBULE,)
)
 Defendant-Appellant.)
)
 _____)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Franklin County. Hon. Mitchell W. Brown, District Judge.

Eric D. Fredericksen, State Appellate Public Defender; Andrea W. Reynolds, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Mark W. Olson, Deputy Attorney General, Boise, for respondent.

Marjorie Balls Krambule was charged with felony possession of a controlled substance, Idaho Code § 37-2732(c)(1). Prior to commencement of the jury trial, at the request of Krambule, her private counsel filed a motion to withdraw as counsel. At a hearing on the matter, counsel told the court that Krambule wanted to try to reach an agreement with the prosecutor, and if unsuccessful, then she wanted to retain new private counsel. The prosecutor indicated that he would speak with Krambule directly if the court granted her counsel’s motion to withdraw. The court granted the motion and a plea agreement was reached, in which she agreed to enter an *Alford*¹ plea of guilty to an amended charge of accessory to possession of methamphetamine, I.C. § 37-2732(c)(1). The district court entered a withheld judgment and placed Krambule on probation.

Thereafter, the court revoked her withheld judgment due to a probation violation. On appeal, Krambule asserts the withheld judgment was void because the district court allowed her to enter a guilty plea and be sentenced in a pro se capacity without first obtaining a valid waiver of her right to counsel. Conversely, the State contends that this Court lacks jurisdiction to consider the merits of the arguments raised by Krambule because the notice of appeal is timely only from the order revoking probation, and therefore the issues on appeal are restricted to that order.

¹ *North Carolina v. Alford*, 400 U.S. 25 (1970).