

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42209

STATE OF IDAHO, ) 2015 Unpublished Opinion No. 340  
 )  
 Plaintiff-Respondent, ) Filed: February 10, 2015  
 )  
 v. ) Stephen W. Kenyon, Clerk  
 )  
 SCOTT BRADLEY MARIHUGH, ) THIS IS AN UNPUBLISHED  
 ) OPINION AND SHALL NOT  
 Defendant-Appellant. ) BE CITED AS AUTHORITY  
 )

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Richard D. Greenwood, District Judge.

Order relinquishing jurisdiction, affirmed.

Sara B. Thomas, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Before LANSING, Judge; GUTIERREZ, Judge;  
and GRATTON, Judge

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PER CURIAM

Scott Bradley Marihugh pled guilty to one count of sexual exploitation of a child. I.C. § 18-1507(2)(a). In exchange for his guilty plea, an additional charge was dismissed. The district court sentenced Marihugh to a unified term of ten years, with a minimum period of confinement of three years. The district court retained jurisdiction, and Marihugh was sent to participate in the rider program.

After Marihugh completed his rider, the district court relinquished jurisdiction. Marihugh appeals, claiming that the district court erred by refusing to grant probation.

We note that the decision to place a defendant on probation or whether, instead, to relinquish jurisdiction over the defendant is a matter within the sound discretion of the district court and will not be overturned on appeal absent an abuse of that discretion. *State v. Hood*, 102 Idaho 711, 712, 639 P.2d 9, 10 (1981); *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 594, 596-97 (Ct. App. 1990). The record in this case shows that the district court properly considered the information before it and determined that probation was not appropriate. We hold that Marihugh has failed to show that the district court abused its discretion in relinquishing jurisdiction.

Marihugh argues that all of the relevant goals of sentencing could have been accomplished with probation. As noted above, however, the district court found that probation was not an appropriate course of action in Marihugh's case. The record does not indicate that the district court abused its discretion in sentencing.

The order of the district court relinquishing jurisdiction is affirmed.