

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41601

STATE OF IDAHO,	)	2014 Unpublished Opinion No. 660
	)	
Plaintiff-Respondent,	)	Filed: August 13, 2014
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
PAULO BW GARZA,	)	THIS IS AN UNPUBLISHED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 Fifth Judicial District, State of Idaho, Cassia County. Hon. Michael R. Crabtree, District Judge.

Order relinquishing jurisdiction, affirmed.

Sara B. Thomas, State Appellate Public Defender; Kimberly E. Smith, 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 GUTIERREZ, Chief Judge; GRATTON, Judge;  
and MELANSON, Judge

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PER CURIAM

Paulo BW Garza pled guilty to possession of sexually exploitative material, Idaho Code § 18-1507(2)(a). The district court sentenced Garza to a unified term of five years, with one and one-half years determinate, and retained jurisdiction. After completion of a period of retained jurisdiction, the district court relinquished its jurisdiction. Garza appeals.

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 Garza has

failed to show that the district court abused its discretion, and we therefore affirm the order relinquishing jurisdiction.