

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41765

STATE OF IDAHO,	)	2014 Unpublished Opinion No. 760
	)	
<b>Plaintiff-Respondent,</b>	)	<b>Filed: October 14, 2014</b>
	)	
v.	)	<b>Stephen W. Kenyon, Clerk</b>
	)	
TERRY ALAN ENSMINGER,	)	<b>THIS IS AN UNPUBLISHED</b>
	)	<b>OPINION AND SHALL NOT</b>
<b>Defendant-Appellant.</b>	)	<b>BE CITED AS AUTHORITY</b>
	)	

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Melissa Moody, District Judge.

Order relinquishing jurisdiction, affirmed.

Sara B. Thomas, State Appellate Public Defender; Brian R. Dickson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, 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

Terry Alan Ensminger pled guilty to violating a no-contact order. Idaho Code § 18-920. The district court sentenced Ensminger to a unified term of five years, with a minimum period of confinement of two years and retained jurisdiction. A few months into the period of retained jurisdiction, the district court was notified by the Department of Correction that Ensminger had received a formal disciplinary sanction and they recommended that the district court relinquish jurisdiction. Thereafter, the district court relinquished jurisdiction. Ensminger appeals, asserting that the district court abused its discretion by relinquishing, rather than continuing, jurisdiction.

We note that the decision 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. See *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 to relinquish, rather than continue to retain, jurisdiction. We hold that Ensminger has failed to show that the district court abused its discretion in relinquishing jurisdiction.

Therefore, the order of the district court relinquishing jurisdiction is affirmed.