

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41877

STATE OF IDAHO,)	2014 Unpublished Opinion No. 835
)	
Plaintiff-Respondent,)	Filed: December 2, 2014
)	
v.)	Stephen W. Kenyon, Clerk
)	
CHRISTOPHER MICHAEL HOLLIS,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Jon J. Shindurling, 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; Theodore S. Tollefson, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Christopher Michael Hollis was convicted of felony domestic battery inflicting traumatic injury, Idaho Code § 18-918(2)(A). The district court sentenced Hollis to a unified term of ten years, with a minimum period of confinement of three years. Hollis filed an Idaho Criminal Rule 35 motion for reduction of sentence requesting that the district court retain jurisdiction. The district court granted the motion and retained jurisdiction. Following a recommendation from the North Idaho Correctional Institution staff, the court relinquished jurisdiction and ordered execution of Hollis's sentence. Hollis appeals, contending that the district court abused its discretion in relinquishing jurisdiction.

The decision as to whether to place a defendant on probation or, instead, to relinquish jurisdiction is committed to the discretion of the sentencing court. *State v. Hernandez*, 122 Idaho 227, 230, 832 P.2d 1162, 1165 (Ct. App. 1992); *State v. Lee*, 117 Idaho 203, 786 P.2d 594 (Ct. App. 1990); *State v. Toohill*, 103 Idaho 565, 567, 650 P.2d 707, 709 (Ct. App. 1982). Therefore, a decision to relinquish jurisdiction will not be disturbed on appeal except for an abuse of discretion. *State v. Chapman*, 120 Idaho 466, 816 P.2d 1023 (Ct. App. 1991). 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 the district court did not abuse its discretion, and we therefore affirm the order relinquishing jurisdiction.