

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 42180 & 42181

STATE OF IDAHO,) 2015 Unpublished Opinion No. 375
)
Plaintiff-Respondent,) Filed: February 26, 2015
)
v.) Stephen W. Kenyon, Clerk
)
ALAWNA S. SMIDDY,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)
_____)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Stephen S. Dunn, District Judge.

Orders relinquishing jurisdiction, affirmed.

Sara B. Thomas, State Appellate Public Defender; Shawn F. Wilkerson, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

In these consolidated appeals, Alawna S. Smiddy pled guilty to two counts of forgery. I.C. § 18-3601. In exchange for her guilty pleas, additional charges were dismissed. The district court sentenced Smiddy to concurrent unified terms of seven years, with minimum periods of confinement of three years. The district court suspended the sentences and placed Smiddy on probation. Approximately two months later, Smiddy admitted to violating the terms of her probation. The district court revoked probation, but retained jurisdiction, and Smiddy was sent to participate in the rider program. After Smiddy completed her rider, the district court

relinquished jurisdiction. Smiddy appeals, claiming that the district court erred by refusing to grant probation.¹

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 Smiddy has failed to show that the district court abused its discretion in relinquishing jurisdiction.

The orders of the district court relinquishing jurisdiction and Smiddy's sentences are affirmed.

¹ While these appeals were pending, Smiddy filed I.C.R. 35 motions for reduction of her sentences. The district granted Smiddy's motions, reducing her sentences to concurrent unified terms of seven years, with minimum periods of confinement of two and one-half years.