

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42183

STATE OF IDAHO,) 2015 Unpublished Opinion No. 472
)
Plaintiff-Respondent,) Filed: April 17, 2015
)
v.) Stephen W. Kenyon, Clerk
)
JOSEPH DRAYTON COOK,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)

Appeal from the District Court of the Second Judicial District, State of Idaho, Latah County. Hon. John R. Stegner, District Judge.

Order relinquishing jurisdiction, affirmed.

Sara B. Thomas, State Appellate Public Defender; Reed P. Anderson, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Joseph Drayton Cook was convicted of possession of methamphetamine, Idaho Code § 37-2732(c)(1). The district court withheld judgment and placed Cook in Mental Health Court. Cook violated the terms of the program and the district court imposed a unified four-year sentence with a one-year determinate term but retained jurisdiction. The district court subsequently relinquished jurisdiction and ordered execution of Cook's sentence. Cook appeals the district court's decision to relinquish jurisdiction.

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 reasonably determined that probation was not appropriate. We hold that Cook has failed to show that the district court abused its discretion in relinquishing jurisdiction.

The order relinquishing jurisdiction is affirmed.