

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42281

STATE OF IDAHO,) 2015 Unpublished Opinion No. 514
)
Plaintiff-Respondent,) Filed: June 8, 2015
)
v.) Stephen W. Kenyon, Clerk
)
JUSTIN LEE PEDERSEN,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)
_____)

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

Order relinquishing jurisdiction and sua sponte reduction of sentence, affirmed.

Sara B. Thomas, State Appellate Public Defender; Sally J. Cooley, 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; LANSING, Judge;
and GRATTON, Judge

PER CURIAM

Justin Lee Pedersen pled guilty to possession of a controlled substance. Idaho Code § 37-2732(c). Following his plea, Pedersen was sentenced to a unified term of seven years with two years determinate and the district court retained jurisdiction.

Following completion of the period of retained jurisdiction, the district court relinquished jurisdiction and sua sponte reduced Pedersen's sentence to a unified term of seven years with one year determinate. Pedersen appeals, asserting that the district court abused its discretion in relinquishing jurisdiction and failing to further reduce the sentence upon relinquishment of 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 determined that probation was not appropriate. We hold that Pedersen has failed to show that the district court abused its discretion in relinquishing jurisdiction.

Pedersen also contends that the district court abused its discretion by not further sua sponte reducing his sentence. This claim is precluded by *State v. Clontz*, 156 Idaho 787, 331 P.3d 529 (Ct. App. 2014).

The order of the district court relinquishing jurisdiction and sua sponte reducing Pedersen's sentence is affirmed.