

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42328

STATE OF IDAHO,) 2015 Unpublished Opinion No. 518
)
 Plaintiff-Respondent,) Filed: June 11, 2015
)
 v.) Stephen W. Kenyon, Clerk
)
 BRANDON MICHAEL KNECHT,) THIS IS AN UNPUBLISHED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. Deborah A. Bail, District Judge.

Judgment of conviction and unified twelve-year sentence with two-year determinate term for lewd conduct with a minor under sixteen, affirmed; 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

Brandon Michael Knecht was convicted of lewd conduct with a minor under sixteen, Idaho Code § 18-1508. The district court imposed a unified twelve-year sentence with a two-year determinate term and retained jurisdiction. Subsequently the district court relinquished jurisdiction and ordered execution of Knecht's sentence. Knecht appeals, contending that his sentence is excessive and that the district court abused its discretion in relinquishing jurisdiction.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

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

Therefore, Knecht's judgment of conviction and sentence and the district court's order relinquishing jurisdiction are affirmed.