

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42837

STATE OF IDAHO,) 2015 Unpublished Opinion No. 723
)
Plaintiff-Respondent,) Filed: November 19, 2015
)
v.) Stephen W. Kenyon, Clerk
)
WILLIAM V. WOODS,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)
_____)

Appeal from the District Court of the First Judicial District, State of Idaho, Boundary County. Hon. Barbara A. Buchanan, District Judge.

Order relinquishing jurisdiction, affirmed.

Sara B. Thomas, State Appellate Public Defender; Justin M. Curtis, 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; GRATTON, Judge;
and HUSKEY, Judge

PER CURIAM

William V. Woods pled guilty to possession of methamphetamine and possession of heroin. Idaho Code § 37-2732(c)(1). Following his plea, Woods was sentenced to consecutive unified sentences of five years with one and one-half years determinate and the district court retained jurisdiction.

Following the period of retained jurisdiction, the district court relinquished jurisdiction. Woods filed a Rule 35 motion for reduction of his sentences, which the district court granted by ordering that Woods' sentences run concurrently rather than consecutively. Woods appeals, claiming that the district court abused its discretion by relinquishing jurisdiction. Woods

received his requested relief in the Rule 35 motion and makes no claim for further reduction of his sentences.

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

The order of the district court relinquishing jurisdiction is affirmed.