

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42899

STATE OF IDAHO,) 2015 Unpublished Opinion No. 746
)
Plaintiff-Respondent,) Filed: December 4, 2015
)
v.) Stephen W. Kenyon, Clerk
)
SCOTT DOUGLAS BRASSFIELD,) THIS IS AN UNPUBLISHED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. Thomas F. Neville, District Judge.

Order relinquishing jurisdiction and executing modified sentence, affirmed.

Sara B. Thomas, State Appellate Public Defender; Jason C. Pintler, 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

Scott Douglas Brassfield pled guilty to felony driving under the influence. Idaho Code §§ 18-8004, 18-8005(6). The district court sentenced Brassfield to a unified term of ten years with three years determinate and retained jurisdiction. Following the period of retained jurisdiction, the district court suspended Brassfield's sentence and placed him on probation for a period of ten years. Subsequently, Brassfield admitted to violating his probation and the district court revoked his probation, ordered Brassfield's sentence executed, and again retained jurisdiction. After this second period of retained jurisdiction, the district court relinquished jurisdiction and reduced Brassfield's underlying sentence to ten years with two and one-half

years determinate. Brassfield appeals asserting that the district court abused its discretion by failing to place him on probation following his second period of retained 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 Brassfield has failed to show that the district court abused its discretion in relinquishing jurisdiction.

Brassfield argues that all of the relevant goals of sentencing could have been accomplished with probation. As noted above, however, the district court found that probation was not an appropriate course of action in Brassfield's case. The record does not indicate that the district court abused its discretion in sentencing.

The order of the district court relinquishing jurisdiction and reducing Brassfield's sentence are affirmed.