

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43733

STATE OF IDAHO,)	2016 Unpublished Opinion No. 635
)	
Plaintiff-Respondent,)	Filed: August 11, 2016
)	
v.)	Stephen W. Kenyon, Clerk
)	
DAVID KENNETH LORD,)	THIS IS AN UNPUBLISHED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 and imposing sentence, affirmed.

Eric D. Fredericksen, Interim State 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 HUSKEY, Judge

PER CURIAM

David Kenneth Lord pled guilty to fleeing or attempting to elude a peace officer, Idaho Code § 49-1404(2). The district court imposed a unified four-year sentence, with one year determinate, and placed Lord on probation. Lord admitted to violating the terms of his probation, and the district court executed the underlying sentence and retained jurisdiction. Lord was sent to participate in the retained jurisdiction program. After Lord completed his period of retained jurisdiction, the district court relinquished jurisdiction. Lord appeals, claiming the district court erred by refusing to grant probation.

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

Lord 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 Lord'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 imposing sentence is affirmed.