

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43887

STATE OF IDAHO, ) 2016 Unpublished Opinion No. 680  
 )  
Plaintiff-Respondent, ) Filed: September 13, 2016  
 )  
v. ) Stephen W. Kenyon, Clerk  
 )  
PATTY ANN MAXIM, ) THIS IS AN UNPUBLISHED  
 ) OPINION AND SHALL NOT  
Defendant-Appellant. ) BE CITED AS AUTHORITY  
 )  
\_\_\_\_\_ )

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. John K. Butler, District Judge.

Order relinquishing jurisdiction, affirmed.

Eric D. Fredericksen, Interim 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

Patty Ann Maxim pled guilty to possession of methamphetamine. Idaho Code § 37-2732(c)(1). The district court sentenced Maxim to a unified term of five years with one year determinate, suspended the sentence, and placed Maxim on supervised probation for five years. Later Maxim's probation officer filed a report alleging that Maxim had violated the conditions of her probation. Maxim admitted to violating her probation and subsequently the district court ordered her underlying sentence executed but retained jurisdiction. Following the period of retained jurisdiction, the district court relinquished jurisdiction. Maxim appeals, asserting that the district court abused its discretion by relinquishing jurisdiction and 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 Maxim has failed to show that the district court abused its discretion in relinquishing jurisdiction.

The order of the district court relinquishing jurisdiction is affirmed.