

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45308

STATE OF IDAHO, )  
 ) **Filed: June 20, 2018**  
 ) **Plaintiff-Respondent,** )  
 ) **Karel A. Lehrman, Clerk**  
v. )  
 ) **THIS IS AN UNPUBLISHED**  
 ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
DOMINIQUE DEVAN HARRIS, )  
 ) **Defendant-Appellant.** )  
 )  
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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Melissa Moody, District Judge.

Order relinquishing jurisdiction, affirmed.

Eric D. Fredericksen, 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.

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Before GUTIERREZ, Judge; HUSKEY, Judge;  
and LORELLO, Judge

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PER CURIAM

Dominique Devan Harris pled guilty to possession of a controlled substance with the intent to deliver, Idaho Code § 37-2732(a). The district court imposed a unified sentence of five years, with a minimum period of confinement of two years. The district court retained jurisdiction, and Harris was sent to participate in the rider program.

After Harris completed his rider, the district court relinquished jurisdiction. Harris filed an Idaho Criminal Rule 35 motion, which the district court denied, but the district court amended the sentence to a unified term of three years, with a minimum period of confinement of two years, because the maximum sentence for Harris's offense is three years. The district court

entered an amended order relinquishing jurisdiction to reflect the corrected sentence. Harris appeals, claiming that 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 Harris has failed to show that the district court abused its discretion in relinquishing jurisdiction. The order of the district court relinquishing jurisdiction is affirmed.