

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45619

STATE OF IDAHO,)
) Filed: June 29, 2018
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
GRANT ABEL ULUKOA DACALIO,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

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, State Appellate Public Defender; Lara E. Anderson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before GRATTON, Chief Judge; GUTIERREZ, Judge;
and LORELLO, Judge

PER CURIAM

Grant Abel Ulukoa Dacalio pled guilty to felony eluding a peace officer. I.C. § 49-1404(2)(a), (c). In exchange for his guilty plea, an additional charge was dismissed. Pursuant to the plea agreement, the district court sentenced Dacalio to a unified term of five years, with a minimum period of confinement of four years, to run concurrently with another sentence. The district court retained jurisdiction, and Dacalio was sent to participate in the rider program.

After Dacalio completed his rider, the district court relinquished jurisdiction. Dacalio 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 Dacalio has failed to show that the district court abused its discretion. Therefore, the order of the district court relinquishing jurisdiction is affirmed.