

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45648

STATE OF IDAHO,)
) Filed: July 12, 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) THIS IS AN UNPUBLISHED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, Twin Falls County. Hon. Randy J. Stoker, 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 HUSKEY, Judge

PER CURIAM

Grant Abel Ulukoa Dacalio pled guilty to eluding a peace officer, Idaho Code § 49-1404(2)(a) and/or (c). The district court imposed a unified sentence of five years, with a minimum period of confinement of three years, and retained jurisdiction. Dacalio filed an Idaho Criminal Rule 35 motion, which the district court denied. The district court retained jurisdiction, and Dacalio was sent to participate in the rider program.

Prior to Dacalio completing his rider, the district court relinquished jurisdiction upon recommendation of the Idaho Department of Correction. Dacalio appeals, claiming that the district court erred by relinquishing 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 Dacalio has failed to show that the district court abused its discretion in relinquishing jurisdiction. The order of the district court relinquishing jurisdiction is affirmed.