

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46337

STATE OF IDAHO, )  
 ) **Filed: May 3, 2019**  
 ) **Plaintiff-Respondent,** )  
 ) **Karel A. Lehrman, Clerk**  
v. )  
 ) **THIS IS AN UNPUBLISHED**  
ANAND JAMES STANLEY WARNER, ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 ) **Defendant-Appellant.** )  
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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Nancy Baskin, District Judge.

Order relinquishing jurisdiction and sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Sally Cooley, 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 HUSKEY, Judge; LORELLO, Judge;  
and BRAILSFORD, Judge

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PER CURIAM

Anand James Stanley Warner pleaded guilty to possession of a controlled substance, Idaho Code § 37-2732(c). The district court imposed a unified five-year sentence, with two years determinate, suspended the sentence, and placed Warner on a term of probation. After a probation violation, the district court retained jurisdiction, and Warner was sent to participate in the rider program. After Warner completed his rider, the district court relinquished jurisdiction and reduced Warner’s sentence to a unified four and one-half year sentence, with one and one-half years determinate. Warner appeals, claiming that the district court erred by relinquishing jurisdiction and by failing to further reduce Warner’s sentence.

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

Applying the foregoing standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion either in relinquishing jurisdiction or in failing to further reduce Warner's sentence without modification. Therefore, the order of the district court relinquishing jurisdiction and Warner's sentence are affirmed.