| | |
|---|---|
| STATE OF IDAHO, | ) |
| | ) Filed: November 22, 2019 |
| Plaintiff-Respondent, | ) |
| | ) Karel A. Lehrman, Clerk |
| v. | ) |
| | ) THIS IS AN UNPUBLISHED |
| JOSHUA E. OKOCHA, | ) OPINION AND SHALL NOT |
| | ) BE CITED AS AUTHORITY |
| Defendant-Appellant. | ) |
| | ) |

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Jason D. Scott, District Judge.

Order relinquishing jurisdiction, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kim A. Coster, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

_____

Before HUSKEY Judge; LORELLO, Judge;
and BRAILSFORD, Judge

_____

PER CURIAM

Joshua E. Okocha pleaded guilty to grand theft by possession of stolen property, Idaho Code §§ 18-2403(4), -2407(1), -2409. The district court imposed a unified sentence of five years, with two years determinate. The district court retained jurisdiction, and Okocha was sent to participate in the rider program. Shortly thereafter Okocha was removed from the rider program. The district court relinquished jurisdiction and ordered Okocha to serve a reduced unified sentence of five years, with fifteen months determinate. Okocha 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

1

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 exercised its discretion in relinquishing jurisdiction. We hold that Okocha has failed to show that the district court abused its discretion in relinquishing jurisdiction.