

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46979

STATE OF IDAHO,)
) **Filed: December 9, 2019**
) **Plaintiff-Respondent,**)
) **Karel A. Lehrman, Clerk**
v.)
) **THIS IS AN UNPUBLISHED**
ANDREW NEIL YON,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)
_____)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Bruce L. Pickett, District Judge.

Judgment of conviction and unified sentence of five years with a one and one-half-year determinate term for possession of methamphetamine, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

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

Before GRATTON, Chief Judge; HUSKEY, Judge;
and BRAILSFORD, Judge

PER CURIAM

Andrew Neil Yon pled guilty to possession of methamphetamine, Idaho Code § 37-2732(c)(1). In exchange for his guilty plea, an additional charge was dismissed. The district court imposed a unified sentence of five years with a one and one-half-year determinate term. At sentencing, Yon indicated he did not want to participate in retained jurisdiction and would prefer to go to prison. The district court relinquished its jurisdiction and ordered execution of Yon's sentence. Yon 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 Yon has failed to show that the district court abused its discretion in relinquishing jurisdiction rather than placing him on probation.

Yon argues that all of the relevant goals of sentencing could have been accomplished with probation. As noted above, however, the district court found that probation was not an appropriate course of action in Yon's case. Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion. Therefore, Yon's judgment of conviction and sentence are affirmed.