

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46982

|                              |                                  |
|------------------------------|----------------------------------|
| STATE OF IDAHO,              | )                                |
|                              | ) <b>Filed: January 8, 2020</b>  |
| <b>Plaintiff-Respondent,</b> | )                                |
|                              | ) <b>Karel A. Lehrman, Clerk</b> |
| v.                           | )                                |
|                              | ) <b>THIS IS AN UNPUBLISHED</b>  |
| DAVID CLAYTON ERICKSON,      | ) <b>OPINION AND SHALL NOT</b>   |
|                              | ) <b>BE CITED AS AUTHORITY</b>   |
| <b>Defendant-Appellant.</b>  | )                                |
| _____                        | )                                |

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Samuel Hoagland, District Judge.

Judgment of conviction and sentence and order relinquishing jurisdiction, affirmed.

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

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

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

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PER CURIAM

David Clayton Erickson pleaded guilty to two counts of felony battery on a police officer, Idaho Code § 18-915(3)(b). The district court imposed a unified five-year sentence, with three years determinate, and a five-year indeterminate sentence to run consecutively to the first sentence. The district court retained jurisdiction, and Erickson was sent to participate in the rider program.

After Erickson completed his rider, the district court relinquished jurisdiction. Erickson appeals, claiming that the district court erred by relinquishing jurisdiction. He also argues his sentence is excessive and constitutes an abuse of discretion.

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

Erickson also contends that his sentence is excessive and constitutes an abuse of discretion. Sentences are reviewed for an abuse of discretion. Our appellate standard of review and the factors to be considered when evaluating the reasonableness of a sentence are well-established. *State v. Burdett*, 134 Idaho 271, 1 P.3d 299 (Ct. App. 2000); *State v. Sanchez*, 115 Idaho 776, 769 P.2d 1148 (Ct. App. 1989); *State v. Reinke*, 103 Idaho 771, 653 P.2d 1183 (Ct. App. 1982); *State v. Toohill*, 103 Idaho 565, 650 P.2d 707 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007).

A review of the record shows the district court considered the relevant information and properly exercised its discretion in determining the appropriate sentence. The order of the district court relinquishing jurisdiction and Erickson's sentences are affirmed.