

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 47038 & 47039

STATE OF IDAHO,	)	
	)	<b>Filed: February 13, 2020</b>
<b>Plaintiff-Respondent,</b>	)	
	)	<b>Karel A. Lehrman, Clerk</b>
v.	)	
	)	<b>THIS IS AN UNPUBLISHED</b>
<b>ZACKARIAH FLOYD HILLMAN,</b>	)	<b>OPINION AND SHALL NOT</b>
	)	<b>BE CITED AS AUTHORITY</b>
<b>Defendant-Appellant.</b>	)	
	)	

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Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Jon J. Shindurling and Hon. Darren B. Simpson, District Judges.

Order relinquishing jurisdiction and sentences, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Brian R. Dickson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kale D. Gans, 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

In two separate cases, Zackariah Floyd Hillman pleaded guilty to burglary, Idaho Code §§ 18-1401, 18-1403, and assault with intent to commit a serious felony, I.C. §§ 18-915(1)(b), 18-909, 18-910, 18-112. The district court imposed a unified ten-year sentence, with three years determinate, for the burglary charge and a unified five-year sentence, with three years determinate for the assault charge. The sentences were ordered to run concurrently. The district court retained jurisdiction, and Hillman was sent to participate in the rider program.

After Hillman completed his rider, the district court relinquished jurisdiction and reduced the burglary sentence to a unified seven-year sentence, with two years determinate, and the

assault sentence to a unified five-year sentence, with two years determinate. Hillman 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 Hillman has failed to show that the district court abused its discretion in relinquishing jurisdiction.

The order of the district court relinquishing jurisdiction and Hillman's sentences are affirmed.