

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47118

STATE OF IDAHO,)	
)	Filed: June 9, 2020
Plaintiff-Respondent,)	
)	Melanie Gagnepain, Clerk
v.)	
)	THIS IS AN UNPUBLISHED
JAMES STEPHEN TIPTON, JR.,)	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. Deborah A. Bail, District Judge.

Order relinquishing jurisdiction and executing the underlying sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jonathan R. Shirts, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

James Stephen Tipton pleaded guilty to burglary, Idaho Code § 18-1401. The district court imposed a unified five-year sentence, with two years determinate, and retained jurisdiction. Three and one-half months later, the district court held a jurisdictional review hearing. The Department of Correction recommended relinquishing jurisdiction because Tipton had been involved in a physical altercation with another inmate. The State also recommended the district court relinquish jurisdiction. Tipton asked the district court to give him “another chance on the rider.” The district court relinquished jurisdiction. Tipton 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. Tipton has failed to show that the district court abused its discretion in relinquishing jurisdiction.

Tipton 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). The record does not indicate that the district court abused its discretion in sentencing.

The order of the district court relinquishing jurisdiction and Tipton's sentence are affirmed.