

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47123

STATE OF IDAHO,)
) Filed: June 4, 2020
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
THOMAS UMBERTO BANFIELD,) 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.

Judgment of conviction and unified sentence of ten years with two years determinate for domestic violence, affirmed; order relinquishing jurisdiction, affirmed.

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

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

Before GRATTON, Judge; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

Thomas Umberto Banfield pled guilty to domestic violence, Idaho Code §§ 18-918(2), 18-903(a); and two counts of violating a no-contact order, I.C. § 18-920. In exchange for his guilty plea, additional charges were dismissed. The district court imposed a unified sentence of ten years with two years determinate for domestic violence and concurrent terms of six months in jail for the two no-contact order violations. Banfield filed an Idaho Criminal Rule 35 motion, which the district court denied. The district court retained jurisdiction, and Banfield was sent to participate in the rider program. During a review hearing six months into Banfield’s retained

jurisdiction program, the district court relinquished jurisdiction based on Banfield's disciplinary record and executed the underlying sentence. Banfield appeals, claiming that the district court abused its discretion when it relinquished jurisdiction. Specifically, he asserts the court abused its discretion by not allowing him to complete the rehabilitation and programming available in the retained jurisdiction program.

We note that the decision 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. We hold that Banfield has failed to show that the district court abused its discretion in relinquishing jurisdiction.

Banfield 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).

Applying these standards and having reviewed the record in this case, we cannot conclude the district court abused its discretion. Accordingly, the judgment of conviction, the sentence, and the order relinquishing jurisdiction are affirmed.