

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47243

STATE OF IDAHO,)
) Filed: April 6, 2020
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
JACOB DENE GOTTSCHALL,) 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, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Sally J. Cooley, 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

Jacob Dene Gottschall pled guilty to possession of a controlled substance. Idaho Code § 37-2732(c). The district court sentenced Gottschall to a unified term of seven years with two years determinate, suspended the sentence, and placed Gottschall on supervised probation for a period of two years. Subsequently Gottschall admitted to violating the terms of his probation and the district court revoked Gottschall’s probation, executed the underlying sentence, and retained jurisdiction.

While on retained jurisdiction, Gottschall refused to participate in the rider program and it was recommended that the district court relinquish jurisdiction. At the review hearing, the district court continued retained jurisdiction and recommended aggression replacement therapy

and that Gottschall be given proper medications. Gottschall was not medication compliant and was eventually placed in restrictive housing. Another recommendation for relinquishment of jurisdiction was sent to the district court and at the second review hearing the district court relinquished jurisdiction. Gottschall appeals, claiming that the district court erred in 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 Gottschall has failed to show that the district court abused its discretion in relinquishing jurisdiction.

The order of the district court relinquishing jurisdiction is affirmed.