

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 47352/47353/47354/47355

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| STATE OF IDAHO, |) | |
| |) | Filed: June 12, 2020 |
| Plaintiff-Respondent, |) | |
| |) | Melanie Gagnepain, Clerk |
| v. |) | |
| |) | THIS IS AN UNPUBLISHED |
| BRADY LAWSON COKER, |) | OPINION AND SHALL NOT |
| |) | BE CITED AS AUTHORITY |
| Defendant-Appellant. |) | |
| |) | |

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. John T. Mitchell, District Judge.

Judgment of conviction and sentence in Docket No. 47355, affirmed; and orders relinquishing jurisdiction and executing underlying sentences in Docket Nos. 47352, 47353, 47354, and 47355, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Erik R. Lehtinen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

In Docket No. 47352, Brady Lawson Coker pleaded guilty to criminal possession of a financial transaction card, Idaho Code § 18-3125, and the district court imposed a unified three-year sentence, with a minimum period of confinement of one year. In Docket No. 47353, Coker pleaded guilty to bribery of municipal or county officials, I.C. § 18-1309, and the district court imposed a unified ten-year sentence, with a minimum period of confinement of five years, to run consecutively. The district court retained jurisdiction in both cases. Following his rider, the district court placed Coker on a term of probation. In Docket No. 47354, Coker pleaded guilty to destruction of evidence, I.C. § 18-2603, and the district court imposed a six-year sentence, with a

minimum period of confinement of two years, to run concurrently with his other two sentences and placed Coker on probation. After violating the terms of his probation in all three cases, the district court extended probation by one year. Once again, Coker violated the terms of probation. The district court revoked probation and retained jurisdiction. After his rider, the district court placed Coker on probation. While on probation, Coker pleaded guilty to felony intimidating a witness, I.C. § 18-2604, which resulted in Coker admitting he violated the terms of his probation in his other three cases. The district court imposed a determinate, five-year period of incarceration and \$50,000 fine for the felony intimidating a witness. In Coker's other three cases, the district court revoked probation and imposed the underlying sentences. The district court retained jurisdiction in all four cases, and Coker was sent to participate in the rider program. Following his rider, the district court relinquished jurisdiction and executed the underlying sentence in each case. Coker filed an Idaho Criminal Rule 35 motion in each case, which the district court denied.

Coker appeals. In Docket No. 47355, Coker argues the district court abused its discretion when it imposed a five-year determinate sentence and \$50,000 fine. In Docket Nos. 47352, 47353, 47354, and 47355, Coker argues the district court abused its discretion 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 Coker has failed to show that the district court abused its discretion in relinquishing jurisdiction.

Coker also contends that his sentence in Docket No. 47355 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 orders of the district court relinquishing jurisdiction in Docket Nos. 47352, 47353, 47354, and 47355 and Coker's sentence in Docket No. 47355 are affirmed.