

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47395

STATE OF IDAHO,)
) **Filed: April 6, 2020**
) **Plaintiff-Respondent,**)
) **Karel A. Lehrman, Clerk**
v.)
) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **STACEY L. KESSLER,**)
) **Defendant-Appellant.**)
)

Appeal from the District Court of the Second Judicial District, State of Idaho, Lewis County. Hon. Gregory FitzMaurice, District Judge.

Order relinquishing jurisdiction, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kimberly A. Coster, 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

Stacey L. Kessler pled guilty to domestic battery with traumatic injury, Idaho Code §§ 18-903, 18-918(2). The district court imposed a unified sentence of three years with eighteen months determinate, suspended the sentence, and placed Kessler on probation. Kessler subsequently admitted to violating the terms of her probation, and the district court revoked probation, executed the underlying sentence and retained jurisdiction. Following a recommendation from the Department of Correction, the district court relinquished jurisdiction. Kessler appeals, claiming that the district court erred by refusing to grant probation.

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 Kessler has failed to show that the district court abused its discretion in relinquishing jurisdiction.

The order of the district court relinquishing jurisdiction is affirmed.