

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47670

STATE OF IDAHO,)
) Filed: August 4, 2020
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
PAYTON HOLMES WASSON,) 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. Jonathan Medema, District Judge.

Order relinquishing jurisdiction, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Brian R. Dickson, 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

Payton Holmes Wasson pled guilty to eluding a peace officer, Idaho Code § 49-1404(c). In exchange for his guilty plea, additional charges were dismissed. The district court imposed a unified sentence of three years with one year determinate, suspended the sentence, and placed Wasson on supervised probation. Wasson subsequently violated the terms of his probation, and the district court revoked probation, executed the underlying sentence, and retained jurisdiction. Wasson was sent to participate in the rider program. Prior to Wasson completing his rider, the district court relinquished jurisdiction. Wasson appeals, claiming that the district court erred by failing to consider that he was approved for special education services.

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 does not indicate the district court failed to consider Wasson was approved for special education services and shows that the district court properly considered the information before it. We hold that Wasson has failed to show that the district court abused its discretion in relinquishing jurisdiction.

The order of the district court relinquishing jurisdiction is affirmed.