

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 47739/47740

STATE OF IDAHO,)
) Filed: December 23, 2020
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
DWAYNE D. HANER,) 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. Michael J. Reardon, District Judge.

Order relinquishing jurisdiction, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jason C. Pintler, 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

In Docket No. 47739, Dwayne D. Haner pled guilty to felony driving while under the influence (DUI). Idaho Code §§ 18-8004, 18-8005(6). Following his plea, Haner was sentenced to a unified term of ten years with two years determinate, the sentence was suspended, and Haner was placed on probation. Haner later violated his probation based on a new conviction for felony DUI, which gave rise to Docket No. 47740. Based on the new charge, the district court revoked probation and retained jurisdiction. In Docket No. 47740, Haner pled guilty, the district court imposed a unified sentence of ten years with three years determinate, and retained jurisdiction. Subsequently, the district court relinquished jurisdiction in both cases. Haner

appeals, claiming that the district court erred by relinquishing jurisdiction rather than granting him 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 Haner has failed to show that the district court abused its discretion in relinquishing jurisdiction.

The order of the district court relinquishing jurisdiction is affirmed.