

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48141

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, ) **Filed: July 8, 2021**  
 )  
 v. ) **Melanie Gagnepain, Clerk**  
 ) **THIS IS AN UNPUBLISHED**  
 BRIER DELORE ATKINSON, ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 Defendant-Appellant. )  
 )  
 )

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Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Benjamin J. Cluff, District Judge.

Order relinquishing jurisdiction, affirmed.

Waldron Legal, PLLC; Maya P. Waldron, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Mark W. Olson, Deputy Attorney General, Boise, for respondent.

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

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PER CURIAM

Brier Delore Atkinson entered an *Alford*<sup>1</sup> plea to felony domestic battery, Idaho Code § 18-918(2)(a). The district court imposed a unified sentence of eight years, with three years determinate. The district court retained jurisdiction, and Atkinson was sent to participate in the rider program. After Atkinson completed his rider, the district court relinquished jurisdiction. Atkinson appeals, claiming that the district court erred 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

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<sup>1</sup> See *North Carolina v. Alford*, 400 U.S. 25 (1970).

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

The order of the district court relinquishing jurisdiction is affirmed.