

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48145

STATE OF IDAHO,)
) Filed: May 5, 2021
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
CESAR RENE ACEVES,) 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. Nancy A. Baskin, District Judge.

Order relinquishing jurisdiction, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Cesar Rene Aceves pled guilty to felony injury to a child, Idaho Code § 18-1501(1). In exchange for his guilty plea, an additional charge was dismissed. The district court imposed a unified eight-year sentence with two years determinate and retained jurisdiction. Aceves appealed, and this Court affirmed his sentence. *State v. Aceves*, Docket No. 47288 (Ct. App. Apr. 28, 2020) (unpublished). The district court retained jurisdiction, and Aceves was sent to participate in the rider program. After Aceves completed his rider, the district court relinquished jurisdiction, but reduced his sentence to seven years and nine months with one year and nine

months determinate. Aceves 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 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 Aceves has failed to show that the district court abused its discretion in relinquishing jurisdiction.

The order of the district court relinquishing jurisdiction is affirmed.