

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 48236/48237

STATE OF IDAHO,)
)
) **Filed: March 1, 2021**
)
) **Melanie Gagnepain, Clerk**
)
) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
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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 denying I.C.R. 35 motion, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Emily M. Joyce, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Justin R. Porter, Deputy Attorney General, Boise, for respondent.

Before GRATTON, Judge; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

Daniel Lee Summers pled guilty to possession of a controlled substance in these consolidated cases. Idaho Code § 37-2732(c)(1). The district court sentenced Summers to concurrent unified sentences of six years with three years determinate and retained jurisdiction. Subsequently, the district court relinquished jurisdiction. Summers filed an Idaho Criminal Rule 35 motion requesting that the district court reconsider its decision to relinquish jurisdiction and allow him to complete the retained jurisdiction period. The district court denied Summers' motion on the basis that the district court lacked the authority to reconsider its order relinquishing jurisdiction and reinstate Summers' period of retained jurisdiction. Summers appeals asserting that the district court abused its discretion by denying his Rule 35 motion.

Rule 35 does not provide a vehicle to reconsider relinquishment of jurisdiction. The district court correctly determined that it lacked authority to reconsider its order relinquishing jurisdiction. *State v. Flores*, 163 Idaho 298, 301-302, 396 P.3d 1180, 1183-84 (2017). Summers' Rule 35 motion to reinstate jurisdiction was not a request to correct, modify, or reduce his sentence within the scope of the rule. Therefore, the district court's order denying Summers' Rule 35 motion is affirmed.