

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48600

STATE OF IDAHO,)
) **Filed: September 13, 2021**
) **Plaintiff-Respondent,**)
) **Melanie Gagnepain, Clerk**
v.)
) **THIS IS AN UNPUBLISHED**
) **TIFFANY DAWN RASMUSSEN,**) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)
_____)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Cassia County. Hon. Michael P. Tribe, District Judge.

Order relinquishing jurisdiction, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Andrea W. Reynolds, 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; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

Tiffany Dawn Rasmussen pled guilty to felony driving under the influence of alcohol, Idaho Code §§ 18-8004, 18-8005. The district court imposed a unified eight-year sentence with two years determinate and retained jurisdiction. The court ordered Rasmussen to turn herself in immediately. Rasmussen did not turn herself in, and more than six months later, the court held a hearing and relinquished jurisdiction. Rasmussen appeals, claiming that the district court abused its discretion when it relinquished jurisdiction over her before she had an opportunity to participate in retained 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 Rasmussen has failed to show that the district court abused its discretion in relinquishing jurisdiction. The order of the district court relinquishing jurisdiction is affirmed.