

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48832

STATE OF IDAHO,)
) Filed: November 16, 2021
)
 Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
 v.)
) THIS IS AN UNPUBLISHED
 ALEXIS AVALOS,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
 Defendant-Appellant.)
)
 _____)

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

Order denying Idaho Criminal Rule 35(a) motion for correction of illegal sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jenny C. Swinford, 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

Alexis Avalos pled guilty to robbery, Idaho Code § 18-6501. The district court imposed a unified sentence of eight years with four years determinate, to run concurrently with Avalos's sentence in a separate case, and retained jurisdiction. After receiving an addendum presentence investigation report (APSI) from the Idaho Department of Correction, the district court relinquished jurisdiction.

Avalos filed an Idaho Criminal Rule 35(a) motion for correction of an illegal sentence, asserting that his sentence is illegal because the district court did not allow him to respond and object to the APSI before relinquishment. The district court denied Avalos's motion, finding that

Avalos's sentence is not illegal. Avalos appeals, arguing the district court relinquished jurisdiction without a hearing in violation of his due process rights, although he expressly acknowledges a defendant does not have a constitutionally protected liberty interest requiring a hearing before relinquishment of jurisdiction. *State v. Coassolo*, 136 Idaho 138, 142-43, 30 P.3d 293, 297-98 (2001). Because Avalos does not have a protected liberty interest to be heard before the district court relinquished jurisdiction, we conclude the court did not err by denying Avalos's motion and affirm that denial.