

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49119

STATE OF IDAHO,)
) **Filed: May 25, 2022**
) **Plaintiff-Respondent,**)
) **Melanie Gagnepain, Clerk**
 v.)
) **THIS IS AN UNPUBLISHED**
) **TIMOTHY ALAN VINCENT,**) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)
)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. John T. Mitchell, District Judge.

Order relinquishing jurisdiction, affirmed.

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

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Timothy Alan Vincent pled guilty to robbery. I.C. §§ 18-6501 and 18-6502. In exchange for his guilty plea, an additional charge was dismissed. The district court sentenced Vincent to a unified term of ten years, with a minimum period of confinement of three years. The district court retained jurisdiction, and Vincent was sent to participate in the rider program. Following completion of his rider, the district court suspended the sentence and placed Vincent on probation. Over the subsequent five years, Vincent’s probation was revoked twice; both times resulted in Vincent serving an additional rider and being returned to probation.

After Vincent violated his probation for a third time, the district court revoked probation and again sent Vincent to participate in the rider program. Prior to completion of his rider, the district court relinquished jurisdiction. Vincent filed an I.C.R. 35 motion for reduction of his sentence, which the district court denied. Vincent appeals, claiming that the district court erred by relinquishing jurisdiction.

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 relinquishing jurisdiction was appropriate based on Vincent's behavior during the rider program. The order of the district court relinquishing jurisdiction is affirmed.