

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49761

STATE OF IDAHO,	)
	) <b>Filed: March 27, 2023</b>
Plaintiff-Respondent,	)
	) <b>Melanie Gagnepain, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
MICHAEL BRIAN LaCAZE,	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
Defendant-Appellant.	)
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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. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

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PER CURIAM

Michael Brian LaCaze pled guilty to burglary, Idaho Code § 18-1401. In exchange for his guilty plea, an additional charge that he was a persistent violator was dismissed. The district court imposed a unified term of ten years with five years determinate and placed LaCaze on probation for period of five years. As part of LaCaze’s probation, the district court ordered that he had until November 10, 2020, to provide proof that he was living at the Rising Strong program. LaCaze failed to be accepted into the Rising Strong program and the district court found LaCaze was in violation of his probation. The district court revoked LaCaze’s probation and retained jurisdiction. A few days after LaCaze arrived at the rider facility, the deputy warden recommended relinquishing jurisdiction. The district court relinquished jurisdiction and

executed the underlying sentence. LaCaze appeals, claiming that the district court erred by relinquishing jurisdiction and executing his original sentence.

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 continuing to retain jurisdiction was not appropriate. We hold that LaCaze has failed to show that the district court abused its discretion in relinquishing jurisdiction.

The order of the district court relinquishing jurisdiction is affirmed.