

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50613

STATE OF IDAHO,)
) Filed: January 26, 2024
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
MARCO FLORES,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. Rosemary Emory, District Judge.

Order relinquishing jurisdiction and executing underlying sentence, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Jacob L. Westerfield, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Marcos Flores pled guilty to aggravated battery, Idaho Code § 18-907. The district court imposed a unified term of five years with three years determinate. The district court retained jurisdiction, and Flores was sent to participate in the rider program. After completion of the period of retained jurisdiction, the Idaho Department of Correction recommended Flores be placed on probation. At the rider review hearing, the State recommended the district court relinquish jurisdiction and impose the underlying sentence. Flores requested he be placed on probation or, alternatively, that the determinate portion of his sentence be reduced to eighteen months. The district court relinquished jurisdiction and declined to reduce Flores’ sentence.

Flores appeals, claiming that the district court erred by refusing to grant probation and relinquishing 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 Flores has failed to show that the district court abused its discretion in relinquishing jurisdiction.

Flores argues that all of the relevant goals of sentencing could have been accomplished with probation. As noted above, however, the district court found that probation was not an appropriate course of action in Flores' case. The record does not indicate that the district court abused its discretion in sentencing.

The order of the district court relinquishing jurisdiction and executing Flores' sentence is affirmed.