

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51106

STATE OF IDAHO,)
) **Filed: July 31, 2024**
) **Plaintiff-Respondent,**)
) **Melanie Gagnepain, Clerk**
v.)
) **THIS IS AN UNPUBLISHED**
DELLA KAY WARD,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)
_____)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Darren B. Simpson, District Judge.

Order relinquishing jurisdiction, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Kiley A. Heffner, Deputy Appellate Public Defender, Boise, for appellant.

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

Before HUSKEY, Judge; LORELLO, Judge;
and TRIBE, Judge

PER CURIAM

Della Kay Ward pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). In exchange for her guilty plea, additional charges were dismissed and the State agreed to recommend probation. The district court sentenced Ward to a unified term of six years, with a minimum period of confinement of three years. The district court suspended the sentence and placed Ward on probation. Ward thereafter admitted to violating the terms of her probation. The district court revoked probation but retained jurisdiction, and Ward was sent to participate in the rider program. After Ward completed her rider, the district court relinquished jurisdiction. Ward appeals, claiming that the district court erred by refusing to grant probation.

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 Ward has failed to show that the district court abused its discretion in relinquishing jurisdiction.

The order of the district court relinquishing jurisdiction and Ward's sentence are affirmed.