

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51159

STATE OF IDAHO,	)	
	)	<b>Filed: September 16, 2024</b>
Plaintiff-Respondent,	)	
	)	<b>Melanie Gagnepain, Clerk</b>
v.	)	
	)	<b>THIS IS AN UNPUBLISHED</b>
CARLOS ALFREDO VILLACANA	)	<b>OPINION AND SHALL NOT</b>
ZAVALA,	)	<b>BE CITED AS AUTHORITY</b>
	)	
Defendant-Appellant.	)	
_____	)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Derrick O’Neill, District Judge.

Order relinquishing jurisdiction, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Andrea W. Reynolds, 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 GRATTON, Chief Judge; HUSKEY, Judge;  
and LORELLO, Judge

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PER CURIAM

Carlos Alfredo Villicana-Zavala pled guilty to possession of a controlled substance with the intent to deliver, Idaho Code § 37-2732(a). The district court imposed a unified sentence of five years, with a minimum period of incarceration of two and one-half years, but after a period of retained jurisdiction, the court suspended the sentence and placed Villicana-Zavala on probation. Subsequently, Villicana-Zavala admitted to violating the terms of the probation, and the district court again retained jurisdiction, and Villicana-Zavala was sent to participate in the rider program. Following Villicana-Zavala’s rider, the district court held a jurisdictional review hearing. The addendum to the presentence investigation reports that Villacana-Zavala received a Class-B DOR

for using his position as a janitor to steal hand sanitizer which is 70% alcohol and consuming it. Villicana-Zavala contested the claim and asked the district court to continue the hearing until further evidence could be obtained or to continue him on his rider. The State recommended the district court relinquish jurisdiction. Following the hearing, the district court relinquished jurisdiction. Villicana-Zavala appeals, claiming that the district court erred by 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 Villicana-Zavala has failed to show that the district court abused its discretion in relinquishing jurisdiction.

The order of the district court relinquishing jurisdiction is affirmed.