

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52185

STATE OF IDAHO,)
) Filed: June 25, 2025
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
JESSE JOB LUNA,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Cassia County. Hon. Michael P. Tribe, District Judge. Hon. Barry Wood, District Judge

Order relinquishing jurisdiction, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Stacey M. Donohue, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Jesse Job Luna pled guilty to injury to child, Idaho Code § 18-1501(1), and aggravated battery, I.C. § 18-907(1)(a). The district court imposed consecutive, unified terms of ten years with five years determinate and retained jurisdiction. Following the period of retained jurisdiction, the district court suspended the underlying sentences and placed Luna on probation for a period of ten years. Subsequently, Luna admitted to violating his probation. The district court revoked Luna's probation, imposed his original sentence, and retained jurisdiction a second time. At the retained jurisdiction hearing, the district court relinquished jurisdiction and imposed the underlying sentences. Luna appeals, contending that the district court abused its discretion when it relinquished 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 Luna has failed to show that the district court abused its discretion in relinquishing jurisdiction.

The order of the district court relinquishing jurisdiction and imposing Luna's underlying sentences is affirmed.