

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52873

STATE OF IDAHO,)
) Filed: March 4, 2026
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
CODY ALLAN BUSSINGER,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Benjamin J. Cluff, District Judge.

Order relinquishing jurisdiction, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Cody Allan Bussinger pled guilty to possession of a controlled substance, Idaho Code § 37-2732(c)(1). In exchange for his guilty plea, additional charges were dismissed. The district court sentenced Bussinger to a unified term of four years, with a minimum period of confinement of two years, however, the district court suspended the sentence and placed Bussinger on probation. Subsequently, Bussinger admitted to violating the terms of probation, and the district court consequently revoked probation and ordered execution of the original sentence but retained jurisdiction. Prior to Bussinger completing the rider program, the district court received an addendum to the Presentence Investigation and a letter from the Idaho Department of Correction recommending the district court relinquish jurisdiction. The district court followed the

recommendation and relinquished jurisdiction. Bussinger appeals, claiming that the district court erred by relinquishing jurisdiction instead of placing him on 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 Bussinger has failed to show that the district court abused its discretion in relinquishing jurisdiction. The order of the district court relinquishing jurisdiction is affirmed.