

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43069

STATE OF IDAHO,)	2016 Unpublished Opinion No. 380
)	
Plaintiff-Respondent,)	Filed: February 10, 2016
)	
v.)	Stephen W. Kenyon, Clerk
)	
EDITH SUZANNE RUIZ,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

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

Judgment of conviction and unified sentence of fourteen years, with a minimum period of confinement of two years determinate, for four counts of forgery, affirmed; order relinquishing jurisdiction, affirmed.

Sara B. Thomas, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Edith Suzanne Ruiz pled guilty to four counts of forgery. Idaho Code § 18-3601. The district court sentenced Ruiz to a unified sentence of fourteen years with two years determinate, and retained jurisdiction. Following the period of retained jurisdiction, the district court relinquished jurisdiction and ordered Ruiz’s underlying sentence executed without reduction. Ruiz appeals asserting that the district court abused its discretion by imposing an excessive sentence and relinquishing jurisdiction.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

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

Therefore, the order of the district court relinquishing jurisdiction and Ruiz's judgment of conviction and sentence are affirmed.