IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46684

STATE OF IDAHO,)
Plaintiff-Respondent,) Filed: October 28, 2019)) Karel A. Lehrman, Clerk
v.) THIS IS AN UNPUBLISHED
KYLE A. FULLER,) OPINION AND SHALL NOT) BE CITED AS AUTHORITY
Defendant-Appellant.	
)

Appeal from the District Court of the First Judicial District, State of Idaho, Boundary County. Hon. Barbara A. Buchanan, District Judge.

Order relinquishing jurisdiction, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kale D. Gans, Deputy Attorney General, Boise, for respondent.

Before GRATTON, Chief Judge; HUSKEY, Judge;

and LORELLO, Judge

PER CURIAM

Kyle A. Fuller pled guilty to possession of a controlled substance. Idaho Code § 37-2732c)(1). The district court sentenced Fuller to a unified term of four years with two years determinate to run consecutive to a sentence imposed in a Bonner County case. The district court placed Fuller on probation, noting that Fuller had been accepted in the Bonner County Drug Court program and ordered that Fuller complete drug court as part of his probation.

Fuller later admitted to violating his probation and the district court retained jurisdiction. Following the period of retained jurisdiction, the district court relinquished jurisdiction. Fuller 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 Fuller has failed to show that the district court abused its discretion in relinquishing jurisdiction.

The order of the district court relinquishing jurisdiction is affirmed.