

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 38033

STATE OF IDAHO,	)	2011 Unpublished Opinion No. 441
	)	
Plaintiff-Respondent,	)	Filed: April 20, 2011
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
WILLIAM CLINTON EXON,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Fifth Judicial District, State of Idaho, Gooding County. Hon. John K. Butler, District Judge.

Order relinquishing jurisdiction, affirmed.

Molly J. Huskey, State Appellate Public Defender; Erik R. Lehtinen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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Before LANSING, Judge; GUTIERREZ, Judge;  
and MELANSON, Judge

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PER CURIAM

In this case we are asked to determine whether the district court abused its discretion in refusing to grant probation following a period of retained jurisdiction. We affirm.

William Clinton Exon pled guilty to one count of exploitation of a vulnerable adult. I.C. § 18-1505(1). Following his plea, Exon was sentenced to ten years, with a minimum period of confinement of five years. The district court retained jurisdiction for 180 days, and Exon was sent to participate in the rider program at the North Idaho Correctional Institution (NICI).

After Exon completed evaluation at NICI, the jurisdictional review committee recommended probation. The district court relinquished jurisdiction but reduced Exon’s sentence to a unified term of ten years, with a minimum period of confinement of two years. Exon appeals, claiming that the district court erred by refusing to grant probation in light of the

recommendation of the jurisdictional review committee. Exon argues that all of the relevant goals of sentencing could have been accomplished with probation.

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. Exon has failed to show that the district court abused its discretion. Therefore, the district court's order relinquishing jurisdiction is affirmed.