

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 38413

STATE OF IDAHO,)	2011 Unpublished Opinion No. 674
)	
Plaintiff-Respondent,)	Filed: October 21, 2011
)	
v.)	Stephen W. Kenyon, Clerk
)	
LINDSAY COLE PETERSEN,)	THIS IS AN UNPUBLISHED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. G. Richard Bevan, District Judge.

Order relinquishing jurisdiction, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Lindsay Cole Petersen pled guilty to domestic violence. Idaho Code §§ 18-903, 18-918(2)(a). The district court imposed a unified sentence of eight years with two years determinate, and retained jurisdiction. Following the period of retained jurisdiction, the district court relinquished jurisdiction. Petersen timely filed an appeal from the district court’s order relinquishing jurisdiction as well as an Idaho Criminal Rule 35 motion, requesting that the district court place him on probation. The district court granted Petersen’s Rule 35 motion and placed him on supervised probation for a period of five years, or until financial obligations were paid, whichever was longer. Mindful that the district court granted him probation upon reconsideration of the sentence imposed, Petersen nevertheless appeals. He asserts that the

district court erred by not placing him on probation at the conclusion of the retained jurisdiction period.

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). We hold that Petersen has failed to show that the district court abused its discretion, and we therefore affirm the order relinquishing jurisdiction.

The order of the district court relinquishing jurisdiction is affirmed.