

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 33918

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| STATE OF IDAHO, |) | 2008 Unpublished Opinion No. 411 |
| |) | |
| Plaintiff-Respondent, |) | Filed: March 26, 2008 |
| |) | |
| v. |) | Stephen W. Kenyon, Clerk |
| |) | |
| CHRISTINA DANIELLE METZGER, |) | THIS IS AN UNPUBLISHED |
| |) | OPINION AND SHALL NOT |
| Defendant-Appellant. |) | BE CITED AS AUTHORITY |
| |) | |

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael E. Wetherell, District Judge.

Order relinquishing jurisdiction, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

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

PER CURIAM

In this case we are asked to determine whether the district court abused its discretion in relinquishing jurisdiction. We affirm.

While on probation in an unrelated case, Christina D. Metzger pled guilty to one count of delivery of a controlled substance. I.C. § 37-2732(c). Following her plea, Metzger was sentenced to a unified term of six years, with a minimum period of confinement of two and one-half years. The district court retained jurisdiction for 180 days, and Metzger was sent to participate in the rider program.

While Metzger was in the rider program, she was sentenced to incarceration for the unrelated probation violation. Because Metzger was no longer eligible for programming in the retained jurisdiction, the district court relinquished jurisdiction. Metzger 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 Metzger has failed to show that the district court abused its discretion. Therefore, the order of the district court relinquishing jurisdiction is affirmed.