IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 40381

STATE OF IDAHO,	)	**2013 Unpublished Opinion No. 522**
	)	
Plaintiff-Respondent,	)	**Filed: June 4, 2013**
	)	
v.	)	**Stephen W. Kenyon, Clerk**
	)	
ALFREDO LUA,	)	**THIS IS AN UNPUBLISHED**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, Jerome County. Hon. John K. Butler, District Judge.

Order relinquishing jurisdiction, affirmed.

Sara B. Thomas, State Appellate Public Defender; Ben P. McGreevy, Deputy Appellate Public Defender, Boise, for appellant.

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

Before LANSING, Judge; GRATTON, Judge;
and MELANSON, Judge

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 are also asked to review a unifed sentence of ten years, with a minimum period of confinement of six years, for forgery. We affirm.

Alfredo Lua pled guilty to one count of forgery. I.C. § 18-3601. In exchange for his guilty plea, additional charges were dismissed. Lua was sentenced to a unified term of ten years, with a minimum period of confinement of six years, to run concurrent with sentences he received in another county. The district court retained jurisdiction for 180 days, and Lua was sent to participate in the rider program.

Prior to completion of his rider program, the rider program staff recommended relinquishment of jurisdiction. The district court relinquished jurisdiction. Lua filed an I.C.R. 35 motion for reduction of his sentence, which the district court denied. Lua appeals, claiming that the district court erred by refusing to grant probation. Lua argues that the sentence of ten years, with a minimum period of confinement of six years, is excessive and that the district court should have sua sponte reduced it upon relinquishment of 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 Lua has failed to show that the district court abused its discretion and affirm the order relinquishing jurisdiction.

Lua also contends that the unified sentence ten years, with a minimum period of confinement of six years, is excessive and constitutes an abuse of discretion. Sentences are reviewed for an abuse of discretion. Our appellate standard of review and the factors to be considered when evaluating the reasonableness of a sentence are well-established. *State v. Burdett*, 134 Idaho 271, 1 P.3d 299 (Ct. App. 2000); *State v. Sanchez*, 115 Idaho 776, 769 P.2d 1148 (Ct. App. 1989); *State v. Reinke*, 103 Idaho 771, 653 P.2d 1183 (Ct. App. 1982); *State v. Toohill*, 103 Idaho 565, 650 P.2d 707 (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).

Lua argues that all of the relevant goals of sentencing could have been accomplished with probation. As noted above, however, the district court found that probation was not an appropriate course of action in Lua's case. The record does not indicate that a unified term of ten years, with a minimum period of confinement of six years, was an abuse of discretion in this case. Accordingly, the sentence is affirmed.

The order of the district court relinquishing jurisdiction and Lua's sentence are affirmed.