IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52867

STATE OF IDAHO,	)	
	)	**Filed: November 3, 2026**
Plaintiff-Respondent,	)	
	)	**Melanie Gagnepain, Clerk**
v.	)	
	)	**THIS IS AN UNPUBLISHED**
JAMES GERALD SWEAT, JR.,	)	**OPINION AND SHALL NOT**
	)	**BE CITED AS AUTHORITY**
Defendant-Appellant.	)	
	)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Cassia County. Hon. Blaine P. Cannon, District Judge.

Order relinquishing jurisdiction, affirmed; case remanded for sua sponte decision whether to reduce the sentence.

Erik R. Lehtinen, State Appellate Public Defender; Kierra W. Mai, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; T. Michael MacEgan, Deputy Attorney General, Boise, for respondent.

PETTY, Judge

James Sweat appeals from the district court's judgment of conviction and order relinquishing jurisdiction, and the district court's decision sustaining the State's objection to a reduction of Sweat's sentence. We affirm the district court's decision to relinquish jurisdiction. However, we remand the case for the district court to decide whether Sweat's sentence should be reduced.

I.
FACTUAL AND PROCEDURAL BACKGROUND

Sweat was charged with three counts of lewd conduct with a minor under sixteen, two counts of violation of a protection order, two counts of sexual battery, and one count of battery. Pursuant to a plea agreement, Sweat pled guilty to one count of lewd conduct with a minor under sixteen, Idaho Code § 18-1508, and the State dismissed the remaining charges. At the time of

sentencing, Sweat was seventeen years old and was sentenced to a unified term of thirty years, with a minimum period of confinement of fifteen years, and the district court retained jurisdiction. After being sentenced, Sweat filed a motion under Idaho Criminal Rule 35(b) requesting leniency and a reduction of his sentence. The motion was denied by the district court, and the district court's decision was affirmed by this Court. *See State v. Sweat*, Docket No. 51752 (Idaho Ct. App. Dec. 16, 2024) (unpublished).

During the period of retained jurisdiction, Sweat did not perform well while in the custody of the Idaho Department of Correction ("IDOC") and IDOC recommended that the district court relinquish jurisdiction. Sweat did not complete his classes and had a long list of serious disciplinary offenses which included theft, dishonesty, and being disrespectful to staff. The district court noted that although some of the violations were minor, Sweat's behavior indicated that he was not amenable to treatment and was a high risk to reoffend based upon the lack of growth in his thinking from his continued premeditated criminal mindset, and that he has demonstrated that he was unable to follow the rules in a confined setting.

At the retained jurisdiction hearing, the State recommended that the district court relinquish jurisdiction and objected to "any commutation of the sentence" because Sweat knew what was at stake while in the program. The court responded:

> I will make a short comment, because, you know, I have to admit, I considered the possibility of commutation, but I don't think I had a very good understanding of what commutation was, and I've spent some time looking into it. And I think my idea of commutation was reducing like part of the fixed time, and I don't think that's what commutation is.
>
> I think commutation is more commuting a sentence to time in the county jail and maybe some other definitions, but *what I was thinking about would be more accurately described as reducing part of the defendant's sentence, and I don't think I necessarily have the authority to even consider that at this stage of the case.* I think Judge Wood took a look at that. It's being addressed on appeal--or has been addressed on appeal, and I think that's not really an option anymore, at least from the brief research that I did this morning, so I wanted to put that out there.

(Emphasis added). Sweat then requested to be placed on probation. After hearing arguments from both sides and considering the information before it, the district court exercised its discretion and relinquished jurisdiction. Sweat appeals.

II.
STANDARD OF REVIEW

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). A decision whether to reduce a sentence under I.C.R. 35(b) is within the sound discretion of the district court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In conducting our review of the district court's grant or denial of an I.C.R. 35 motion, we consider the entire record and apply the same criteria used for determining the reasonableness of the original sentence. *State v. Forde*, 113 Idaho 21, 22, 740 P.2d 63, 64 (Ct. App. 1987). When a trial court's discretionary decision is reviewed on appeal, the appellate court conducts a multi-tiered inquiry to determine whether the lower court: (1) correctly perceived the issue as one of discretion; (2) acted within the boundaries of such discretion; (3) acted consistently with any legal standards applicable to the specific choices before it; and (4) reached its decision by an exercise of reason. *State v. Herrera*, 164 Idaho 261, 270, 429 P.3d 149, 158 (2018).

III.
ANALYSIS

Sweat argues that the district court erred when it concluded it did not have authority to reduce Sweat's sentence prior to relinquishing jurisdiction. Sweat also argues that the district court abused its discretion by relinquishing jurisdiction and not placing him on probation. The State concedes that the district court erred by concluding it lacked authority to reduce Sweat's sentence. However, the State argues the district court did not abuse its discretion in relinquishing jurisdiction.

A. The district court erred when it decided it did not have authority to reduce Sweat's sentence at the retained jurisdiction hearing.

Sweat argues that, when ruling on the State's objection, the district court incorrectly decided that it did not have authority to reduce Sweat's sentence at the retained jurisdiction

hearing. The State concedes that the district court erred in concluding it did not have authority to reduce the sentence. We agree with the parties.

The district court had jurisdiction over Sweat's sentence and it could, therefore, sua sponte reduce Sweat's sentence at the retained jurisdiction hearing. *See State v. Brown*, 170 Idaho 439, 443, 511 P.3d 859, 863 (2022) (stating that jurisdiction continues until extinguished); *see also* I.C.R. 35(b). Hence, the district court acted outside of the applicable legal standards when it decided that it lacked the authority to sua sponte consider a reduction of Sweat's sentence at the retained jurisdiction hearing.

Therefore, the case will be remanded to the district court for the limited purpose of allowing the district court to decide whether it desires to reduce Sweat's sentence. By remanding the case, this Court does not imply that Sweat's sentence should be reduced. That decision is solely within the sound discretion of the district court. *See Hood*, 102 Idaho at 712, 639 P.2d at 10; *see also Lee*, 117 Idaho at 205-06, 786 P.2d at 596-97.

B. The district court did not abuse its discretion by relinquishing jurisdiction.

On appeal, Sweat argues that the district court failed to exercise reason, thereby abusing its discretion when it relinquished jurisdiction over Sweat after a "less-than-perfect rider performance." The State argues that Sweat's rider performance was far worse than "less-than-perfect" and that Sweat "racked up [eighteen] disciplinary marks" which included serious offenses. The State also argues that the district court considered all aspects of the issues Sweat now raises on appeal and that the district court conducted a lengthy and well-reasoned analysis in determining that Sweat was not a suitable candidate for probation and was a high risk to reoffend.

Retained jurisdiction allows the trial court an extended time to evaluate a defendant's suitability for probation. *State v. Vivian*, 129 Idaho 375, 379, 924 P.2d 637, 641 (Ct. App. 1996). The purpose of retaining jurisdiction after imposing a sentence is to afford the trial court additional time for evaluation of the defendant's rehabilitation potential and suitability for probation. *State v. Atwood*, 122 Idaho 199, 201, 832 P.2d 1134, 1136 (Ct. App. 1992).

The record in this case shows that the district court properly considered the information before it and determined that probation was not appropriate. The district court considered Sweat's criminal history, poor program performance, mental health diagnoses, age, and traumatic

childhood. After weighing this information, the district court concluded that relinquishing jurisdiction was appropriate under the circumstances:

> I have to go off the evidence that's in front of me, and the evidence that's in front of me tells me that Mr. Sweat is still dangerous. He's still impulsive. He's still attention-seeking. I think he's still likely to act out in ways that are unhealthy for him and for others, and I think to protect the community, I can't place the defendant on probation. It's not safe.
>
> And so in the exercise of my discretion, based on the evidence that I've considered, and I've spent many, many hours reviewing this defendant's file, the presentence report, the rider reports, police reports, evaluations, everything tells me that the defendant is a high risk to re-offend and that he's not likely to succeed on probation and that will result in harm to the community and to specific people. So based on that, I will relinquish jurisdiction.

Having reviewed the district court's oral decision when it relinquished jurisdiction in this case, we hold the district court did not abuse its discretion.

IV.

CONCLUSION

We affirm the district court's decision to relinquish jurisdiction. However, we remand this case to the district court for the limited purpose of the district court's consideration of whether to sua sponte reduce Sweat's sentence.

Judge LORELLO and Judge FLEMING, **CONCUR**.