

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 42437/42438/42439

STATE OF IDAHO,)	2015 Unpublished Opinion No. 420
)	
Plaintiff-Respondent,)	Filed: March 18, 2015
)	
v.)	Stephen W. Kenyon, Clerk
)	
BOBBY WAYNE PALMER,)	THIS IS AN UNPUBLISHED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. Thomas F. Neville, District Judge.

Judgment of conviction and concurrent unified sentences of ten years, with a minimum period of confinement of three years, for burglary; unified five years with three years determinate for felony misappropriation of personal identifying information; and unified fourteen years with three years determinate for grand theft by possession of stolen property, affirmed; refusal to retain jurisdiction upon imposing sentences, affirmed.

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

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

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

PER CURIAM

In these consolidated appeals, Bobby Wayne Palmer pled guilty to burglary, Idaho Code §§ 18-1401, 18-204; misappropriation of personal identifying information, I.C. §§ 18-3126, 18-3128; and grand theft by possession of stolen property, I.C. §§ 18-2403(4), 18-2407(1). The district court sentenced Palmer to a unified sentence of ten years with three years determinate in the burglary case; a concurrent unified sentence of five years with three years determinate in the misappropriation of funds case; and a concurrent unified sentence of fourteen years with three

years determinate in the grand theft case. Palmer appeals asserting that the district court abused its discretion by imposing excessive sentences and by failing to retain jurisdiction upon imposing his sentences.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (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). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

The primary purpose of the retained jurisdiction program is to enable the trial court to obtain additional information regarding the defendant's rehabilitative potential and suitability for probation, and probation is the ultimate objective of a defendant who is on retained jurisdiction. *State v. Chapel*, 107 Idaho 193, 687 P.2d 583 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 567, 650 P.2d 707, 709 (Ct. App. 1982). There can be no abuse of discretion in a trial court's refusal to retain jurisdiction if the court already has sufficient information upon which to conclude that the defendant is not a suitable candidate for probation. *State v. Beebe*, 113 Idaho 977, 979, 751 P.2d 673, 675 (Ct. App. 1988); *Toohill*, 103 Idaho at 567, 650 P.2d at 709. Based upon the information that was before the district court at the time of sentencing, we hold that the district court did not abuse its discretion when it declined to retain jurisdiction in this case.

Therefore, Palmer's judgment of conviction and sentences and the district court's decision not to retain jurisdiction are affirmed.