

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44525

STATE OF IDAHO,) 2017 Unpublished Opinion No. 414
)
Plaintiff-Respondent,) Filed: March 22, 2017
)
v.) Stephen W. Kenyon, Clerk
)
JASON MICHAEL McKAIN,) THIS IS AN UNPUBLISHED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.

Judgment of conviction and unified sentence of fifteen years, with a minimum period of confinement of three years, for enticing a child on the Internet, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Maya P. Waldron, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Jason Michael McKain was convicted of enticing a child on the Internet, Idaho Code § 18-1509A. The district court imposed a unified sentence of fifteen years, with a minimum period of confinement of five years, suspended the sentence and placed McKain on probation for fifteen years. McKain appealed the length of his probation, but this Court found no abuse of discretion. *State v. McKain*, Docket No. 34506 (Ct. App. June 2, 2008) (unpublished). Subsequently, McKain admitted to violating several terms of his probation, and the district court consequently revoked probation and ordered execution of the sentence, but reduced the

determinate term to three years. McKain appeals, contending that the district court erred in failing to retain jurisdiction.

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, McKain's judgment of conviction and sentence are affirmed.