

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44953

STATE OF IDAHO,)	2017 Unpublished Opinion No. 679
)	
Plaintiff-Respondent,)	Filed: December 20, 2017
)	
v.)	Karel A. Lehrman, Clerk
)	
HEATH THOMAS CLYNE,)	THIS IS AN UNPUBLISHED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. Richard D. Greenwood, District Judge.

Judgment of conviction and unified sentence of ten years, with a minimum period of confinement of one and one-half years, for operating a motor vehicle while under the influence of alcohol, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Brian R. Dickson, Deputy Appellate Public Defender, Boise, for appellant.

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

Before GUTIERREZ, Judge; HUSKEY, Judge;
and LORELLO, Judge

PER CURIAM

Heath Thomas Clyne pleaded guilty to operating a motor vehicle while under the influence of alcohol (one felony conviction within fifteen years), Idaho Code §§ 18-8004, 18-8005(9). The district court imposed a unified sentence of ten years, with one and one-half years determinate. Clyne appeals, contending that the district court abused its discretion by not retaining jurisdiction.

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. *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). That discretion includes the trial court's decision regarding whether a defendant should be placed on probation and whether to retain jurisdiction. I.C. § 19-2601(3); *State v. Reber*, 138 Idaho 275, 278, 61 P.3d 632, 635 (Ct. App. 2002). *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 596-97 (Ct. App.1990). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Clyne's judgment of conviction and sentence are affirmed.