

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 45076 & 45077

STATE OF IDAHO,	)	2017 Unpublished Opinion No. 683
	)	
Plaintiff-Respondent,	)	Filed: December 28, 2017
	)	
v.	)	Karel A. Lehrman, Clerk
	)	
MICHAEL T. BRISTLIN,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Scott L. Wayman, District Judge.

Judgment of conviction and unified sentence of fifteen years, with a minimum period of confinement of three years, for lewd conduct with a minor, affirmed; and judgment of conviction and unified sentence of fifteen years, with a minimum period of confinement of three years, for lewd conduct with a minor, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kimberly A. Coster, Deputy Appellate Public Defender, Boise, for appellant.

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

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Before GUITERREZ, Chief Judge; HUSKEY, Judge;  
and LORELLO, Judge

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PER CURIAM

Michael T. Bristlin pleaded guilty to one count of lewd conduct with a minor, Idaho Code § 18-1508, in each of his two cases. The district court imposed a unified sentence of fifteen years, with three years fixed, in each case, with the sentences running concurrently. Bristlin appeals, contending that the district court erred when it refused to retain jurisdiction in his case.

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). Whether to retain jurisdiction is a matter within the sound discretion of the district court. *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 596-97 (Ct. App.1990). Probation is the ultimate goal of retained jurisdiction. *State v. Jones*, 141 Idaho 673, 677, 115 P.3d 764, 768 (Ct. App. 2005). There can be no abuse of discretion if the district court has sufficient evidence before it to conclude that the defendant is not a suitable candidate for probation. *Id.* Applying the relevant standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Bristlin's judgments of conviction and sentences are affirmed.