

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45172

STATE OF IDAHO, ) 2018 Unpublished Opinion No. 324  
 )  
Plaintiff-Respondent, ) Filed: January 17, 2018  
 )  
v. ) Karel A. Lehrman, Clerk  
 )  
JIMMIE O'NEAL, ) THIS IS AN UNPUBLISHED  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, Gooding County. Hon. Eric J. Wildman, District Judge.

Judgment of conviction and unified sentence of twelve years, with a minimum period of confinement of six years, for voluntary manslaughter, 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 GUTIERREZ, Judge; HUSKEY, Judge;  
and LORELLO, Judge  
\_\_\_\_\_

PER CURIAM

Jimmie O'Neal pled guilty to an amended charge of voluntary manslaughter. I.C. § 18-4006(1). In exchange for his guilty plea, an additional charge was dismissed. The district court sentenced O'Neal to a unified term of twelve years, with a minimum period of confinement of six years. O'Neal appeals, claiming his sentence is excessive and that the district court erred by declining to grant probation or retain 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 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). 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 594, 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 these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion. Therefore, O'Neal's judgment of conviction and sentence are affirmed.