

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47225

STATE OF IDAHO,	)
	) <b>Filed: May 27, 2020</b>
Plaintiff-Respondent,	)
	) <b>Karel A. Lehrman, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
PHILIP WILLIAM IVERSON,	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
Defendant-Appellant.	)
_____	)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Minidoka County. Hon. Jonathan Brody, District Judge.

Judgment of conviction and unified sentence of five years with two years determinate for one count of aggravated assault with a deadly weapon enhancement, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kale D. Gans, Deputy Attorney General, Boise, for respondent.

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Before HUSKEY, Chief Judge; GRATTON, Judge;  
and BRAILSFORD, Judge

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PER CURIAM

Philip William Iverson was found guilty of one count of aggravated assault, Idaho Code §§ 18-901(a), 18-901(b), 18-905(a); with a deadly weapon enhancement, I.C. § 19-2520. The district court imposed a unified sentence of five years with two years determinate and retained jurisdiction. Iverson appeals, claiming the district court erred by refusing to grant probation. Iverson argues that all of the relevant goals of sentencing could have been accomplished with probation.

We note that the decision to place a defendant on probation is a matter within the sound discretion of the district court and will not be overturned on appeal absent an abuse of that discretion. *State v. Hood*, 102 Idaho 711, 712, 639 P.2d 9, 10 (1981); *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 594, 596-97 (Ct. App. 1990). The court's decision to refuse probation will not be deemed an abuse of discretion if the trial court has sufficient information to determine that probation would be inappropriate. *State v. Chapman*, 120 Idaho 466, 472, 816 P.2d 1023 (Ct. App. 1991). The record in this case shows that the district court properly considered the information before it and determined that probation was not appropriate. Having reviewed the record, we cannot say that the district court abused its discretion. Therefore, Iverson's judgment of conviction and sentence are affirmed.