

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 47282, 47283, 47284

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, )  
 )  
 v. )  
 )  
 MONROE MONTE FARMER, )  
 )  
 Defendant-Appellant. )  
 )  
 )

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Darren B. Simpson, District Judge.

Judgments of conviction and sentences, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Erik R. Lehtinen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, 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

In Docket No. 47282, Monroe Monte Farmer pleaded guilty to felony burglary, Idaho Code §§ 18-1401, -1403, and the district court imposed a unified sentence of six years, with a minimum period of confinement of two years. In Docket No. 47284, Monroe pleaded guilty to felony burglary, I.C. §§ 18-1401, -1403, and the district court imposed a unified sentence of six years, with a minimum period of confinement of two years, to run concurrently with the sentence in Docket No. 47282. In Docket No. 47283, Farmer pleaded guilty to felony fleeing or attempting to elude a peace officer, I.C. § 49-1404(2)(a), (b), (c) and/or (d); felony aggravated assault, I.C. §§ 18-901(a) and/or (b), -905(a), (b), (c) and/or (d); and misdemeanor driving while under the influence of alcohol, drugs, or any other intoxicating substance (DUI), I.C. § 18-

8005(a). The district court imposed a unified sentence of five years, with a minimum period of confinement of two years, for the eluding conviction; a unified sentence of five years, with a minimum period of confinement of three years, for the aggravated assault conviction; and six months of jail time for the DUI. The sentences in Docket No. 47283 were ordered to run concurrently with each other, but to run consecutively to the sentences in Docket Nos. 47282 and 47284. Farmer appeals, contending that his sentences are excessive. Specifically, Farmer asserts the district court should have placed Farmer on a term of probation or a retained 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). Further, 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). The record in this case shows that the district court properly considered the information before it and determined that neither probation nor retaining jurisdiction was appropriate. We hold that Farmer has failed to show that the district court abused its discretion when imposing sentences.

Applying these standards, and having reviewed the records in these cases, we cannot say that the district court abused its discretion. Therefore, Farmer's judgments of conviction and sentences are affirmed.