

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47477 /47478

STATE OF IDAHO,	)	
	)	<b>Filed: June 29, 2020</b>
<b>Plaintiff-Respondent,</b>	)	
	)	<b>Melanie Gagnepain, Clerk</b>
v.	)	
	)	<b>THIS IS AN UNPUBLISHED</b>
<b>MONICA LINN NARVAIZ,</b>	)	<b>OPINION AND SHALL NOT</b>
	)	<b>BE CITED AS AUTHORITY</b>
<b>Defendant-Appellant.</b>	)	
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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Steven Hippler, District Judge.

Judgments of conviction and underlying unified sentences of five years, with a minimum period of confinement of one and one-half years, for possession of a controlled substance, and ten years, with a minimum period of confinement of three years, for delivery of a controlled substance, I.C. § 37-2732(a), 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 LORELLO, Judge

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In Docket No. 47477, Monica Linn Narvaiz pled guilty to possession of a controlled substance, Idaho Code § 37-2732(c). The district court sentenced Narvaiz to a unified sentence of five years, with a minimum period of confinement of one and one-half years. The district court suspended the sentence and placed Narvaiz on a term of probation. While on probation, Narvaiz committed a new crime and in Docket No. 47478, Narvaiz pled guilty to delivery of a controlled substance, I.C. § 37-2732(a). As a result of the new charge and some other violations, Narvaiz admitted to violating the terms of her probation in Docket No. 47477 and the district court revoked probation and ordered into execution the underlying sentence. In Docket

No. 47478, the district court imposed a unified sentence of ten years, with a minimum period of confinement of three years. The district court retained jurisdiction in both cases.

After successfully completing the period of retained jurisdiction, the district court suspended the sentences and placed Narvaiz on probation. Subsequently, Narvaiz admitted to violating the terms of her probation and the district court continued her on probation in both cases. Once again, Narvaiz admitted to violating the terms of the probation, and the State requested the district court revoke her probation and order execution of the underlying sentences. Narvaiz's counsel requested the court retain jurisdiction in both cases which would allow Narvaiz to participate in the Advanced Practices rider program. The district court declined to do so, revoked probation in both cases, and ordered execution of the original sentences. Narvaiz appeals, contending that the district court abused its discretion in revoking probation rather than retaining jurisdiction which would allow Narvaiz to participate in the Advanced Practices rider program.

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). 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 Narvaiz has failed to show that the district court abused its discretion in revoking probation and ordering execution of the underlying sentences.