

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47569

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: August 10, 2020**
)
 v.) **Melanie Gagnepain, Clerk**
) **THIS IS AN UNPUBLISHED**
 AARON DEAN MCINTOSH,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Samuel Hoagland, District Judge.

Judgment of conviction and unified sentence of ten years, with minimum period of confinement of three years, for felony domestic battery with traumatic injury, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Aaron Dean McIntosh was found guilty of domestic battery with traumatic injury, Idaho Code §§ 18-903(1), -918(2). At the sentencing hearing, the State requested the district court impose a unified sentence of ten years, with a minimum period of confinement of four years. McIntosh requested the district court impose a unified sentence of ten years, with a minimum period of confinement of three years, suspend the sentence, and place McIntosh on a term of probation. The district court imposed a unified sentence of ten years, with a three-year minimum period of confinement. McIntosh appeals, contending that the district court abused its discretion

by imposing an excessive sentence as the district court should have suspended the sentence and placed McIntosh on a term of probation.

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 or 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 probation was not appropriate. We hold that McIntosh has failed to show that the district court abused its discretion when imposing sentence.

Therefore, McIntosh's judgment of conviction and sentence are affirmed.