

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 47601/47641

STATE OF IDAHO,)
) Filed: August 28, 2020
 Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
 v.)
) THIS IS AN UNPUBLISHED
 DAIN LANDON BELL,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
 Defendant-Appellant.)
)

Appeal from the District Court of the First Judicial District, State of Idaho, Boundary County. Hon. Barbara A. Buchanan, District Judge.

Judgments of conviction and concurrent, unified sentences of seven years with three years determinate for possession of methamphetamine, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; R. Jonathan Shirts, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Justin R. Porter, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

In Docket No. 47641, Dain Landon Bell pled guilty to possession of methamphetamine, Idaho Code § 37-2732(c)(1). In exchange for his guilty plea, additional charges and a persistent violator enhancement were dismissed. Shortly thereafter, Bell was charged in Docket No. 47601 with possession of methamphetamine, I.C. § 37-2732(c)(1); misdemeanor possession of marijuana, I.C. § 37-2732(c)(3); misdemeanor possession of paraphernalia, I.C. § 37-2734A; and being a persistent violator. In Docket No. 47601, Bell pled guilty to possession of methamphetamine and also to the misdemeanor charges. In exchange for Bell's guilty plea, the persistent violator enhancement was dismissed. The district court imposed concurrent, unified

sentences of seven years with three years determinate for the possession of methamphetamine charges. On the misdemeanor charges, the district court gave Bell credit for time served and limited his sentences to that time served. Bell appeals, contending the district court abused its discretion in failing to place him on 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 and whether to retain jurisdiction. I.C. § 19-2601(3), (4); *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 594, 596-97 (Ct. App. 1990). Applying these standards and having reviewed the record in this case, we hold that the district court properly considered the information before it and determined probation was not appropriate and that Bell has failed to show that the district court abused its discretion when imposing sentence. Therefore, Bell's judgments of conviction and sentences are affirmed.