

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48131

STATE OF IDAHO, )  
 ) **Filed: March 5, 2021**  
 Plaintiff-Respondent, )  
 ) **Melanie Gagnepain, Clerk**  
 v. )  
 ) **THIS IS AN UNPUBLISHED**  
 DUSTIN SCOTT GLANDON, ) **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. Steven J. Hippler, District Judge.

Judgment of conviction and unified sentence of ten years, with a minimum period of confinement of two and one-half years, affirmed.

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

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

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

PER CURIAM

Dustin Scott Glandon pled guilty to felony domestic violence. I.C. §§ 18-918(2) and 18-903(a). In exchange for his guilty plea, additional charges were dismissed. Pursuant to the plea agreement, the parties both recommended that the district court sentence Glandon to a unified term of ten years, with a minimum period of confinement of three years, but suspend the sentence and place him on probation. However, the district court sentenced Glandon to a unified term of ten years, with a minimum period of confinement of two and one-half years. The district court did not

suspend the sentence as requested. Glandon filed an I.C.R. 35 motion, which the district court denied. Glandon appeals, arguing the district court erred when it did not place him on probation.

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 goal of probation is to foster the probationer's rehabilitation while protecting public safety. *State v. Gawron*, 112 Idaho 841, 843, 736 P.2d 1295, 1297 (1987); *State v. Cheatham*, 159 Idaho 856, 858, 367 P.3d 251, 253 (Ct. App. 2016). The record in this case shows that the district court properly considered the information before it and determined that probation was not appropriate. Therefore, Glandon's judgment of conviction and sentence are affirmed.