

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48436

STATE OF IDAHO,)
)
) **Filed: August 27, 2021**
)
) **Melanie Gagnepain, Clerk**
)
) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
)
)
)
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

Order revoking probation and ordering execution of previously suspended sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kiley A. Heffner, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Andrew V. Wake, Deputy Attorney General, Boise, for respondent.

Before GRATTON, Judge; BRAILSFORD, Judge;
and MELANSON, Judge Pro Tem.

PER CURIAM

In 2010, Maurice Ronald Troutman pled guilty to battery with intent to commit rape. Idaho Code §§ 18-903, 18-911, and 18-6101. The district court sentenced Troutman to a unified term of fifteen years with five years determinate, suspended the sentence, and placed Troutman on probation for fifteen years. In 2017, the State filed a motion for probation violation and in 2018 the district court reinstated Troutman’s probation for fifteen years. In 2019, the State again filed a motion for probation violation and Troutman admitted to violating the terms of the probation. The district court consequently revoked probation, reduced the original sentence to a unified ten years with three years determinate with credit for time served (1,573 days), and

ordered execution of the sentence. Troutman appeals, contending that the district court abused its discretion by failing to retain jurisdiction when it revoked his probation.

The primary purpose of the retained jurisdiction program is to enable the trial court to obtain additional information regarding the defendant's rehabilitative potential and suitability for probation, and probation is the ultimate objective of a defendant who is on retained jurisdiction. *State v. Chapel*, 107 Idaho 193, 687 P.2d 583 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 567, 650 P.2d 707, 709 (Ct. App. 1982). There can be no abuse of discretion in a trial court's refusal to retain jurisdiction if the court already has sufficient information upon which to conclude that the defendant is not a suitable candidate for probation. *State v. Beebe*, 113 Idaho 977, 979, 751 P.2d 673, 675 (Ct. App. 1988); *Toohill*, 103 Idaho at 567, 650 P.2d at 709. Based upon the information that was before the district court at the time of sentencing, we hold that the district court did not abuse its discretion when it declined to retain jurisdiction.

Therefore, the order revoking probation and directing execution of Troutman's previously suspended sentence is affirmed.