

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 48544/48545/48546

STATE OF IDAHO, )  
 )  
 ) **Filed: September 24, 2021**  
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 ) **Melanie Gagnepain, Clerk**  
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 ) **THIS IS AN UNPUBLISHED**  
 ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Peter G. Barton, District Judge.

Judgments of conviction and sentences, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kiley A. Heffner, 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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PER CURIAM

In these consolidated appeals, Jessica Jo West-Doney pled guilty to burglary in 2017, Idaho Code § 18-1401. The district court sentenced West-Doney to five years, with two years determinate and retained jurisdiction. Following a period of retained jurisdiction, the district court placed West-Doney on probation for a period of five years. (Docket No. 48544). West-Doney was subsequently charged with two counts of burglary in April 2020 (Docket No. 48545). During the pendency of Docket No. 48545, in July 2020, West-Doney was charged with attempted grand theft, I.C. § 18-2403(1), -2407(1)b), -2409, five counts of burglary, and malicious injury to property, I.C. § 18-7001(2). (Docket No. 48546). Pursuant to a plea agreement resolving all pending charges, West-Doney pled guilty to one count of burglary in

Docket 48545 and the district court sentenced her to a term of six years with one year determinate. West-Doney admitted to violating the terms of the probation in Docket No. 48544, and the district court executed the underlying sentence of five years with two years determinate with credit for time served. West-Doney also pled guilty to grand theft, burglary, and malicious injury to property in Docket No. 48546. She was sentenced to fourteen years, with six years determinate for grand theft; ten years, with six years determinate for burglary; and five years determinate for malicious injury to property. The district court ordered that the sentence in Docket No. 48545 run concurrently with the sentence imposed in Docket No. 48546, and both consecutively to the sentence imposed in Docket No. 48544. West-Doney appeals, contending that the district court abused its discretion by failing to retain jurisdiction in all three cases.

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 West-Doney's judgments of conviction and sentences are affirmed.