

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49257

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: August 1, 2022**
)
 v.) **Melanie Gagnepain, Clerk**
)
 BRYAN TAYLOR BASTARACHE,) **THIS IS AN UNPUBLISHED**
) **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. Derrick O’Neill, District Judge.

Judgment of conviction and sentences for felony leaving the scene of an injury accident, felony possession of a controlled substance, inattentive driving, and a persistent violator enhancement, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jacob L. Westerfield, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Bryan Taylor Bastarache pled guilty to felony leaving the scene of an injury accident, Idaho Code § 18-8007, felony possession of a controlled substance, I.C. § 37-2732(c), misdemeanor inattentive driving, I.C. § 49-1401(3), and a persistent violator enhancement, I.C. § 37-2739. In exchange for his guilty plea, additional charges were dismissed. For the felonies, the district court imposed an aggregate sentence of thirteen years, with eight years determinate. For the misdemeanor, the district court imposed a 90-day jail sentence, with credit for time served. Bastarache appeals, contending that his sentences are excessive.

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). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Our role is limited to determining whether reasonable minds could reach the same conclusion as the district court. *State v. Biggs*, 168 Idaho 112, 116, 480 P.3d 150, 154 (Ct. App. 2020). The record in this case shows that the district court properly considered the information before it and determined that probation/retaining jurisdiction was not appropriate.

Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion in sentencing. Therefore, Bastarache's judgment of conviction and sentences are affirmed.