

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49618

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: September 26, 2022**
)
 v.) **Melanie Gagnepain, Clerk**
)
 MITCHELL PAUL WALKER RUCHTI,) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Rick Carnaroli, District Judge.

Judgment of conviction and determinate five-year sentence for felony intimidating, influencing, impeding, or deterring a witness from testifying in a criminal matter, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Ben P. McGreevy, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Mitchell Paul Walker Ruchti pled guilty to felony intimidating, influencing, impeding, or deterring a witness from testifying in a criminal matter, Idaho Code § 18-2604, and two misdemeanor counts of violation of a no contact order, I.C. § 18-920. In exchange for his guilty pleas, other charges were dismissed. The district court imposed a determinate five-year sentence for intimidating, influencing, impeding, or deterring witness from testifying in a criminal matter and credit for time served for the misdemeanors. Ruchti appeals, contending that his five-year determinate sentence is 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 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). 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. Therefore, Ruchti's judgment of conviction and sentence are affirmed.