

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 49717/49718

STATE OF IDAHO,	)
	) <b>Filed: December 9, 2022</b>
<b>Plaintiff-Respondent,</b>	)
	) <b>Melanie Gagnepain, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
SCOTT JERAMEY CLIFFORD,	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
<b>Defendant-Appellant.</b>	)
_____	)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Cynthia Yee-Wallace, District Judge.

Judgment of conviction and unified sentence of seven years with two years determinate for felony possession of fentanyl and concurrent unified sentence of seven years with two years determinate for eluding a peace officer, 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; GRATTON, Judge;  
and BRAILSFORD, Judge

---

PER CURIAM

In these consolidated cases, Scott Jeramey Clifford pled guilty to felony possession of fentanyl in Docket No. 49717, Idaho Code § 37-2732(c), and to felony eluding a peace officer in Docket No. 49718, I.C. §§ 49-404(2)(c).<sup>1</sup> Prior to sentencing, Clifford was accepted into the New Life Program at the Boise Rescue Mission. The district court imposed concurrent sentences of seven years with two years determinate on the felony convictions, also concurrent with an unrelated case, and retained jurisdiction. Clifford appeals asserting that the district court abused

<sup>1</sup> Clifford was also convicted of misdemeanor resisting and/or obstructing an officer, but that sentence is not at issue in this appeal.

its discretion by failing to place him on probation with the condition that he complete the New Life Program.

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). The record in this case shows that the district court properly considered the information before it and determined that probation was not appropriate.

Therefore, Clifford's judgments of conviction and sentences are affirmed.