

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50461

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: November 22, 2023**
)
 v.) **Melanie Gagnepain, Clerk**
) **THIS IS AN UNPUBLISHED**
 FRANCISCO JAVIER GONZALEZ-) **OPINION AND SHALL NOT**
 LIZZARAGA,) **BE CITED AS AUTHORITY**
)
 Defendant-Appellant.)
)
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael J. Reardon, District Judge.

Judgment of conviction and unified sentence of ten years, with a minimum period of confinement of two years, for aggravated battery, affirmed.

Erik R. Lehtinen, Interim State Appellate Public Defender; Kiley A. Heffner, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Francisco Javier Gonzalez-Lizaraga pled guilty to aggravated battery, Idaho Code §§ 18-903(b), 18-907(1)(b). In exchange for his guilty plea, additional charges were dismissed. The district court imposed a unified sentence of ten years with two years determinate and found no “reasonable benefit in a retained jurisdiction.” Gonzalez-Lizaraga appeals, contending that the district court abused its discretion by not placing him on retained jurisdiction.

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, Gonzalez-Lizzaraga's judgment of conviction and sentence are affirmed.