IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50853

STATE OF IDAHO,)
Plaintiff-Respondent,) Filed: May 31, 2024
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
MARCUS TYRONE OGANS,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Barbara Duggan, District Judge.

Judgment of conviction and unified sentence of four years, with a minimum period of confinement of two years, for possession of a controlled substance, <u>affirmed</u>.

Erik R. Lehtinen, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Marcus Tyrone Ogans pled guilty to one count of possession of a controlled substance, Idaho Code § 37-2732(c)(1), and one count of reckless driving, I.C. § 49-1491(1). In exchange for his guilty plea, additional charges were dismissed. The district court imposed a unified term of four years with two years determinate for possession of a controlled substance and credit for time served for reckless driving. Ogans appeals, contending that the district court abused its discretion by not placing him on probation.

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. 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, Ogans' judgment of conviction and sentence are affirmed.