

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51508

|                          |   |                                  |
|--------------------------|---|----------------------------------|
| STATE OF IDAHO,          | ) |                                  |
|                          | ) | <b>Filed: September 16, 2024</b> |
| Plaintiff-Respondent,    | ) |                                  |
|                          | ) | <b>Melanie Gagnepain, Clerk</b>  |
| v.                       | ) |                                  |
|                          | ) | <b>THIS IS AN UNPUBLISHED</b>    |
| NICHOLAS ADAM MORAN, aka | ) | <b>OPINION AND SHALL NOT</b>     |
| NICHOLAS ADAM CHIRRICK,  | ) | <b>BE CITED AS AUTHORITY</b>     |
|                          | ) |                                  |
| Defendant-Appellant.     | ) |                                  |
| _____                    | ) |                                  |

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 fifteen years, with a minimum period of incarceration of five years, for aggravated battery, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Amy J. Lavin, Deputy Attorney General, Boise, for respondent.

---

Before HUSKEY, Judge; LORELLO, Judge;  
and TRIBE, Judge

---

PER CURIAM

Nicholas Adam Moran pled guilty to aggravated battery, Idaho Code § 18-903(a), -901(7)(a). The district court imposed a unified sentence of fifteen years, with a minimum period of incarceration of five years. Moran appeals, contending that his sentence is excessive. Specifically, Moran asserts the district court should have imposed a lesser sentence or retained jurisdiction.

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 retaining jurisdiction was not appropriate and we cannot say that the district court abused its discretion in imposing sentence. Therefore, Moran's judgment of conviction and sentence are affirmed.