

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 42137/43590

STATE OF IDAHO,	)	2016 Unpublished Opinion No. 607
	)	
Plaintiff-Respondent,	)	Filed: July 18, 2016
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
JAE HO JUNG,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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

Judgment of conviction and unified sentence of five years, with a minimum period of confinement of two years, for possession of a controlled substance with intent to delivery, affirmed; judgment of conviction and concurrent unified sentence of six years, with a minimum period of confinement of two and one-half years, for possession of drug paraphernalia with intent to deliver and possession of a controlled substance with intent to deliver, affirmed.

Eric D. Fredericksen, Interim State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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

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PER CURIAM

In Docket No. 42137, Jae Ho Jung was found guilty of possession of a controlled substance with intent to deliver. Idaho Code § 37-2732(a). In Docket No. 43590 Jung was found guilty of possession of drug paraphernalia and possession of a controlled substance with intent to deliver. I.C. §§ 37-2734B, 37-2732(a). In Docket No. 42137, the district court sentenced Jung to a unified sentence of five years with two years determinate, suspended the

sentence, and placed Jung on supervised probation for a period of five years. In Docket No. 43590, the district court imposed concurrent unified sentences of six years with two and one-half years determinate for possession of drug paraphernalia with intent to deliver, and five years with three years determinate for possession of a controlled substance with intent to deliver, suspended the sentences, and placed Jung on supervised probation of five years. Jung appeals asserting that the district court abused its discretion by declining his request for a withheld judgment.

The district court determined that Jung did not satisfy the requirements to be eligible for a withheld judgment. Specifically, the court found that Jung had not “satisfactorily cooperated with law enforcement authorities in the prosecution of drug related crimes of which the defendant has previously had involvement.” I.C. § 37-2738(4)(c). The district court’s finding is supported by the record. The district court did not abuse its discretion in declining to enter a withheld judgment.

Therefore, Jung’s judgments of conviction and sentences are affirmed.