

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37997

STATE OF IDAHO,	)	2011 Unpublished Opinion No. 430
	)	
<b>Plaintiff-Respondent,</b>	)	<b>Filed: April 7, 2011</b>
	)	
v.	)	<b>Stephen W. Kenyon, Clerk</b>
	)	
<b>GILBERT RAY MORALES,</b>	)	<b>THIS IS AN UNPUBLISHED</b>
	)	<b>OPINION AND SHALL NOT</b>
<b>Defendant-Appellant.</b>	)	<b>BE CITED AS AUTHORITY</b>
	)	

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Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. John K. Butler, District Judge.

Judgment of conviction and concurrent unified sentences of thirty years, with a minimum period of confinement of ten years, for two counts of lewd and lascivious conduct with a minor under sixteen, and ten years determinate for possession of sexually exploitive material, affirmed.

Molly J. Huskey, State Appellate Public Defender; Shawn F. Wilkerson, 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 GRATTON, Chief Judge; LANSING, Judge;  
and GUTIERREZ, Judge

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PER CURIAM

Gilbert Ray Morales pled guilty to two counts of lewd and lascivious conduct with a minor under sixteen, Idaho Code § 18-1508, and one count of possession of sexually exploitive material, I.C. §§ 18-1507, 18-1507A. The district court sentenced Morales to concurrent unified terms of thirty years, with a minimum period of confinement of ten years on two counts of lewd and lascivious conduct with a minor under sixteen, and ten years determinate on one count of possession of sexually exploitive material. Morales appeals asserting that the district court abused its discretion by imposing excessive sentences and failing to place him on a period of retained jurisdiction.

A trial court's decision whether to retain jurisdiction is, like the original sentencing decision, a matter committed to the trial court's discretion. *State v. Hernandez*, 122 Idaho 227, 230, 832 P.2d 1162, 1165 (Ct. App. 1992). Retained jurisdiction allows the trial court an extended time to evaluate a defendant's suitability for probation. *State v. Vivian*, 129 Idaho 375, 379, 924 P.2d 637, 641 (Ct. App. 1996). The purpose of retaining jurisdiction after imposing a sentence is to afford the trial court additional time for evaluation of the defendant's rehabilitation potential and suitability for probation. *State v. Atwood*, 122 Idaho 199, 201, 832 P.2d 1134, 1136 (Ct. App. 1992).

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). 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). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

The district court did not abuse its discretion by refusing to retain jurisdiction or by imposing sentence. Therefore, Morales' judgment of conviction and sentences are affirmed.