

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 38039

STATE OF IDAHO,)	2011 Unpublished Opinion No. 480
)	
Plaintiff-Respondent,)	Filed: May 19, 2011
)	
v.)	Stephen W. Kenyon, Clerk
)	
ROBERT ALEXANDER SILVA,)	THIS IS AN UNPUBLISHED OPINION
)	AND SHALL NOT BE CITED AS
Defendant-Appellant.)	AUTHORITY
)	

Appeal from the District Court of the Third Judicial District, State of Idaho, Payette County. Hon. Susan E. Wiebe, District Judge.

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

Molly J. Huskey, State Appellate Public Defender; Erik R. Lehtinen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Robert Alexander Silva pled guilty to domestic battery. Idaho Code §§ 18-918, 18-903. The district court sentenced Silva to a unified term of ten years, with a minimum period of confinement of four years. Silva appeals asserting that the district court abused its discretion by imposing an excessive sentence insofar as the district court declined to retain 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. *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, Silva's judgment of conviction and sentence are affirmed.