

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 40602

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| STATE OF IDAHO, |) | 2013 Unpublished Opinion No. 748 |
| |) | |
| Plaintiff-Respondent, |) | Filed: November 8, 2013 |
| |) | |
| v. |) | Stephen W. Kenyon, Clerk |
| |) | |
| CODY JAMES FORTIN, |) | THIS IS AN UNPUBLISHED |
| |) | OPINION AND SHALL NOT |
| Defendant-Appellant. |) | BE CITED AS AUTHORITY |
| |) | |

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Patrick H. Owen, District Judge.

Judgment of conviction and unified sentence of twenty years, with a minimum period of confinement of five years, for aggravated battery on a law enforcement officer and use of a deadly weapon in the commission of a crime, affirmed.

Stephen D. Thompson, Ketchum, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Cody James Fortin pled guilty to aggravated battery on a law enforcement officer (Idaho Code §§ 18-903(b), 18-907(b), 18-915(1)) and use of a deadly weapon in the commission of a crime enhancement (I.C. § 19-2520). The district court sentenced Fortin to a unified term of twenty years, with a minimum period of confinement of five years, with said term to run consecutively to a previously imposed sentence in another Ada County case. Fortin appeals, asserting that the district court abused its discretion by imposing an excessive sentence.

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.

Therefore, Fortin's judgment of conviction and sentence are affirmed.