

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42400

STATE OF IDAHO,) 2015 Unpublished Opinion No. 473
)
Plaintiff-Respondent,) Filed: April 27, 2015
)
v.) Stephen W. Kenyon, Clerk
)
SEAN DANIEL CARNELL,) THIS IS AN UNPUBLISHED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. Richard D. Greenwood, District Judge.

Judgment of conviction and concurrent sentences of a unified term of twenty-five years, with a minimum period of confinement of ten years, for robbery; a determinate term of fifteen years for aggravated battery; a unified term of twenty-five years, with a minimum period of confinement of five years, for first degree arson; a unified term of twenty years, with a minimum period of confinement of fifteen years, for battery with intent to commit a serious felony; and a determinate term of five years for aggravated assault, affirmed.

Sara B. Thomas, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Sean Daniel Carnell pled guilty to robbery, I.C. §§ 18-6501 and 18-6502; aggravated battery, I.C. §§ 18-903(b), 18-907(b), and 18-907(a); first degree arson, I.C. § 18-802; battery with intent to commit a serious felony, I.C. § 18-802; and aggravated assault, I.C. §§ 18-901(b) and 18-905. In exchange for his guilty pleas, additional charges were dismissed. The district

court sentenced Carnell to a unified term of twenty-five years, with a minimum period of confinement of ten years, for robbery; a determinate term of fifteen years for aggravated battery; a unified term of twenty-five years, with a minimum period of confinement of five years, for first degree arson; a unified term of twenty years, with a minimum period of confinement of fifteen years, for battery with intent to commit a serious felony; and a determinate term of five years for aggravated assault. Carnell filed an I.C.R 35 motion, which the district court denied. Carnell appeals, asserting that his sentences are excessive.

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, Carnell's judgment of conviction and sentences are affirmed.