

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 42600 & 42959

STATE OF IDAHO,) 2015 Unpublished Opinion No. 669
)
Plaintiff-Respondent,) Filed: October 21, 2015
)
v.) Stephen W. Kenyon, Clerk
)
ROBERT ALLAN ARMFIELD,) THIS IS AN UNPUBLISHED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. Cheri C. Copsey, District Judge.

Judgment of conviction and sentence of ten years, with a minimum period of confinement of five years, for felony domestic violence, affirmed; appeal from order denying I.C.R. 35 motion for reduction of sentence, dismissed.

Sara B. Thomas, State Appellate Public Defender; Sally J. Cooley, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Robert Allan Armfield pled guilty to felony domestic violence. I.C. §§ 18-918(2) and 18-903(a). In exchange for his guilty plea, additional charges were dismissed including an allegation that he was a persistent violator. The district court sentenced Armfield to a unified term of ten years, with a minimum period of confinement of five years. Armfield filed an I.C.R. 35 motion, which the district court denied. Armfield appeals.

In Docket No. 42600, Armfield asserts that his sentence is 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.

In Docket No. 42959, Armfield appealed, asserting that the district court erred in denying his Rule 35 motion for reduction of sentence. In his brief on appeal, Armfield acknowledges that no additional information was submitted in support of his Rule 35 and, therefore, waives this issue on appeal. Accordingly, we do not address this issue and Armfield's appeal is dismissed.

Therefore, Armfield's judgment of conviction and sentence are affirmed and the appeal from his Rule 35 motion is dismissed.