

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42089

STATE OF IDAHO,) 2014 Unpublished Opinion No. 874
)
Plaintiff-Respondent,) Filed: December 22, 2014
)
v.) Stephen W. Kenyon, Clerk
)
VESTAL DEAN CAUDILL,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Cassia County. Hon. Michael R. Crabtree, District Judge.

Order revoking probation and ordering execution of modified sentence, affirmed.

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

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

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

PER CURIAM

Vestal Dean Caudill entered an *Alford*¹ plea to possession of a controlled substance. I.C. § 37-2732(c)(1). The district court sentenced Caudill to a unified term of three years, with a minimum period of confinement of one year, but the district court suspended the sentence and placed Caudill on probation. Subsequently, Caudill admitted to violating the terms of the probation several times, and the district court ultimately revoked probation and ordered execution of the Caudill's sentence. However, the district court reduced Caudill's sentence to a unified term of two years, with a minimum period of confinement of six months. On appeal,

¹ See *North Carolina v. Alford*, 400 U.S. 25 (1970).

Caudill does not challenge the district court's decision to revoke probation, but argues only 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).

When we review a sentence that is ordered into execution following a period of probation, we will examine the entire record encompassing events before and after the original judgment. *State v. Hanington*, 148 Idaho 26, 29, 218 P.3d 5, 8 (Ct. App. 2009). We base our review upon the facts existing when the sentence was imposed as well as events occurring between the original sentencing and the revocation of probation. *Id.* Thus, this Court will consider the elements of the record before the trial court that are properly made part of the record on appeal and are relevant to the defendant's contention that the trial court should have reduced the sentence sua sponte upon revocation of probation. *State v. Morgan*, 153 Idaho 618, 621, 288 P.3d 835, 838 (Ct. App. 2012). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, the order revoking probation and directing execution of Caudill's modified sentence is affirmed.