

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 40698

STATE OF IDAHO,)	2013 Unpublished Opinion No. 727
)	
Plaintiff-Respondent,)	Filed: October 29, 2013
)	
v.)	Stephen W. Kenyon, Clerk
)	
COLBY REID HEATON,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Jon J. Shindurling, District Judge.

Judgment of conviction and unified sentence of twenty-five years with five years determinate for aggravated battery, with a deadly weapon enhancement, and concurrent five-year determinate sentence for aggravated assault, affirmed.

Sara B. Thomas, State Appellate Public Defender; Erik Lehtinen, Chief, Appellate Unit, Boise, for appellant.

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

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

PER CURIAM

Colby Reid Heaton was convicted of aggravated battery with a deadly weapon enhancement, Idaho Code §§ 18-907(1)(B), 19-2520; and aggravated assault, I.C. § 18-905(A). The district court sentenced Heaton to a unified term of twenty-five years with five years determinate for the battery charge and a concurrent five-year determinate term for the assault charge, and ordered the sentences to run consecutively to the sentences in two unrelated cases. Heaton appeals, contending 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, Heaton's judgment of conviction and sentences are affirmed.