

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 40844

STATE OF IDAHO,	)	2014 Unpublished Opinion No. 358
	)	
<b>Plaintiff-Respondent,</b>	)	<b>Filed: February 7, 2014</b>
	)	
v.	)	<b>Stephen W. Kenyon, Clerk</b>
	)	
MICHAEL L. SPARKS,	)	<b>THIS IS AN UNPUBLISHED</b>
	)	<b>OPINION AND SHALL NOT</b>
<b>Defendant-Appellant.</b>	)	<b>BE CITED AS AUTHORITY</b>
	)	

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Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Stephen S. Dunn, District Judge.

Judgment of conviction and unified sentence of life, with twenty years determinate, for murder in the second degree, affirmed.

Sara B. Thomas, State Appellate Public Defender; Ben Patrick McGreevy, Deputy Appellate Public Defender, Boise, for appellant.

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

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

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PER CURIAM

Pursuant to a plea agreement, Michael L. Sparks plead guilty to murder in the second degree. Idaho Code §§ 18-4001, 18-4002, 18-4003(g). As part of the plea agreement, the parties stipulated to a determinate term of twenty years, with the indeterminate term open for argument. The district court sentenced Sparks to a unified term of life, with twenty years determinate. Sparks appeals, contending the indeterminate portion of 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.

Therefore, Sparks' judgment of conviction and sentence are affirmed.