

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41758

STATE OF IDAHO,) 2015 Unpublished Opinion No. 440
)
Plaintiff-Respondent,) Filed: March 27, 2015
)
v.) Stephen W. Kenyon, Clerk
)
KIM J. DAY,) THIS IS AN UNPUBLISHED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, Bingham County. Hon. Darren B. Simpson, District Judge.

Judgment of conviction and unified sentence of fifteen years, with a minimum period of confinement of five years, for lewd conduct with a minor under sixteen and being a persistent violator, affirmed.

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

Hon. Lawrence G. Wasden, Attorney General; Ted S. Tollefson, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Kim J. Day was found guilty of lewd conduct with a minor under the age of sixteen, I.C. § 18-1508, and admitted to being a persistent violator, I.C. § 19-2514. The district court sentenced Day to a unified term of fifteen years, with a minimum period of confinement of five years, to run concurrent with an unrelated sentence. Day appeals.

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, Day's judgment of conviction and sentence are affirmed.