

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41911

STATE OF IDAHO, ) 2015 Unpublished Opinion No. 400  
)  
Plaintiff-Respondent, ) Filed: March 10, 2015  
)  
v. ) Stephen W. Kenyon, Clerk  
)  
MICHAEL GENE McELROY, ) THIS IS AN UNPUBLISHED  
) OPINION AND SHALL NOT  
Defendant-Appellant. ) BE CITED AS AUTHORITY  
)

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Ronald J. Wilper, District Judge.

Judgment of conviction and unified sentence of eight years, with a minimum period of confinement of two years, for aggravated battery and use of a deadly weapon in the commission of a crime, affirmed.

Sara B. Thomas, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

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

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

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PER CURIAM

Michael Gene McElroy was found guilty of aggravated battery, I.C. §§ 18-903(a) and 18-907(a), and use of a deadly weapon in the commission of a crime, I.C. § 19-2520. The district court sentenced McElroy to a unified term of eight years, with a minimum period of confinement of two years. However, the district court retained jurisdiction and sent McElroy to participate in the rider program. McElroy 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, McElroy's judgment of conviction and sentence are affirmed.