

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43232

STATE OF IDAHO,) 2016 Unpublished Opinion No. 351
)
Plaintiff-Respondent,) Filed: January 27, 2016
)
v.) Stephen W. Kenyon, Clerk
)
WESTON LLOYD BALLARD,) THIS IS AN UNPUBLISHED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 five years, with a minimum period of confinement of two and one-half years, for fleeing or attempting to elude a peace officer, affirmed.

Sara B. Thomas, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Weston Lloyd Ballard pled guilty to fleeing or attempting to elude a peace officer, Idaho Code § 49-1404(2)(a)(b) and/or (c). In exchange for his guilty plea, additional charges were dismissed. The district court imposed a unified sentence of five years with a minimum period of confinement of two and one-half years, to run consecutive to a sentence in a separate case. Ballard appeals, contending 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). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Ballard's judgment of conviction and sentence are affirmed.