

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43906

STATE OF IDAHO, ) 2016 Unpublished Opinion No. 771  
 )  
Plaintiff-Respondent, ) Filed: November 9, 2016  
 )  
v. ) Stephen W. Kenyon, Clerk  
 )  
MIGUEL ZAVALA, ) THIS IS AN UNPUBLISHED  
 ) OPINION AND SHALL NOT  
Defendant-Appellant. ) BE CITED AS AUTHORITY  
 )  
\_\_\_\_\_ )

Appeal from the District Court of the Third Judicial District, State of Idaho, Owyhee County. Hon. Thomas J. Ryan, District Judge.

Judgment of conviction and indeterminate sentence of five years, for aggravated battery, affirmed.

Eric D. Fredericksen, Interim State Appellate Public Defender; Ben P. McGreevy, 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; GUTIERREZ, Judge;  
and GRATTON, Judge  
\_\_\_\_\_

PER CURIAM

Miguel Zavala was found guilty of aggravated battery, Idaho Code § 18-907. The district court imposed an indeterminate sentence of five years. Zavala appeals asserting that the district court abused its discretion by ordering his sentence into execution rather than placing him on probation.

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