

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 44076 & 44077

STATE OF IDAHO,) 2016 Unpublished Opinion No. 813
)
Plaintiff-Respondent,) Filed: December 9, 2016
)
v.) Stephen W. Kenyon, Clerk
)
MICHAEL PAUL MAGILL,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)
_____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Jason D. Scott, District Judge.

Judgments of conviction and unified sentence of fifteen years, with a minimum period of confinement of five years, for sexual battery of a minor child sixteen or seventeen years of age; a consecutive unified sentence of fifteen years, with a minimum period of confinement of five years, for sexual abuse of a child under the age of sixteen years; and a concurrent unified sentence of ten years, with a minimum period of confinement of five years, for sexual exploitation of a child, affirmed.

Nevin, Benjamin, McKay & Bartlett LLP; Deborah A. Whipple, 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

In Docket No. 44076, Michael Paul Magill pled guilty to one count of sexual battery of a minor child sixteen or seventeen years of age, I.C. § 18-1508A, and one count of sexual abuse of a child under the age of sixteen years, I.C. § 18-1506(1)(b). In Docket No. 44077, Magill pled guilty to one count of sexual exploitation of a child. I.C. § 18-1507(2)(a). In exchange for his

guilty pleas, additional charges were dismissed. The district court sentenced Magill to a unified term of fifteen years, with a minimum period of confinement of five years, for sexual battery of a minor child sixteen or seventeen years of age; a consecutive unified term of fifteen years, with a minimum period of confinement of five years, for sexual abuse of a child under the age of sixteen years; and a concurrent unified term of ten years, with a minimum period of confinement of five years, for sexual exploitation of a child. Magill 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, Magill's judgments of conviction and sentences are affirmed.