

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44570

STATE OF IDAHO, ) 2017 Unpublished Opinion No. 436  
 )  
Plaintiff-Respondent, ) Filed: April 18, 2017  
 )  
v. ) Stephen W. Kenyon, Clerk  
 )  
IVAN DEAN SMITH, ) THIS IS AN UNPUBLISHED  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, Valley County. Hon. Jason D. Scott, District Judge.

Judgment of conviction and unified sentence of five years, with a minimum period of confinement of two years, for aggravated assault, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Elizabeth A. Allred, 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 GRATTON, Chief Judge; GUTIERREZ, Judge;  
and MELANSON, Judge  
\_\_\_\_\_

PER CURIAM

Ivan Dean Smith pled guilty to aggravated assault. I.C. §§ 18-901 and 18-905(b). In exchange for his guilty plea, an additional charge that he was a persistent violator was dismissed. The district court sentenced Smith to a unified term of five years, with a minimum period of confinement of two years. Smith 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, Smith's judgment of conviction and sentence are affirmed.