

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44821

STATE OF IDAHO, ) 2017 Unpublished Opinion No. 579  
 )  
Plaintiff-Respondent, ) Filed: September 11, 2017  
 )  
v. ) Karel A. Lehrman, Clerk  
 )  
COLE JASON WALTERS, ) THIS IS AN UNPUBLISHED  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, Custer County. Hon. Alan C. Stephens, District Judge.

Judgment of conviction and concurrent unified sentences of six years, with a minimum period of confinement of three years, for delivery of methamphetamine, and six years with two years determinate for possession of methamphetamine, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Brian R. Dickson, 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 HUSKEY, Judge  
\_\_\_\_\_

PER CURIAM

Cole Jason Walters pled guilty to delivery of methamphetamine and possession of methamphetamine. Idaho Code §§ 37-2732(a)(1)(A), 37-2732(c)(1). The district court sentenced Walters to concurrent unified sentences of ten years with four years determinate for delivery of methamphetamine, and six years with two years determinate for possession of methamphetamine. Walters filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court granted, reducing Walters' sentence for delivery of methamphetamine to six years with three years determinate. Walters appeals asserting that the district court abused its

discretion by executing his sentences rather than suspending them or retaining jurisdiction. Walters requests that this Court remand the case for an order placing Walters 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, Walters' judgment of conviction and sentences are affirmed.