

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44984

STATE OF IDAHO,) 2017 Unpublished Opinion No. 568
)
Plaintiff-Respondent,) Filed: September 1, 2017
)
v.) Karel A. Lehrman, Clerk
)
ERIC ABEL ROYBAL,) THIS IS AN UNPUBLISHED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. Samuel A. Hoagland, District Judge.

Judgment of conviction and unified sentence of seven years, with a minimum period of confinement of two years, 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.

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

PER CURIAM

Eric Abel Roybal entered an *Alford* plea¹ to the charge of possession of a controlled substance. Idaho Code § 37-2732(c)(1). The district court sentenced Roybal to a unified term of seven years with two years determinate, suspended the sentence and placed Roybal on probation for a period of seven years. Roybal appeals asserting that the district court abused its discretion by denying his request for a withheld judgment and imposing an excessive sentence.

¹ See *North Carolina v. Alford*, 400 U.S. 25 (1970).

The district court determined that Roybal did not satisfy the requirements to be eligible for a withheld judgment. At sentencing, the court addressed Roybal's substance abuse problems, his untruthful behavior, and the struggle Roybal would have on probation. The district court's finding is supported by the record. The district court did not abuse its discretion in declining to enter a withheld judgment.

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