

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 45088/45089

STATE OF IDAHO,) 2018 Unpublished Opinion No. 446
)
Plaintiff-Respondent,) Filed: May 14, 2018
)
v.) Karel A. Lehrman, Clerk
)
TORY ALLEN HOWARD,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)
_____)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Robert C. Naftz, District Judge.

Judgments of conviction and consecutive unified sentences of twenty-two years, with a minimum period of confinement of seven years, for delivery of a controlled substance and twenty-eight years, with a minimum period of confinement of eight years, for trafficking in heroin, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Andrea W. Reynolds, 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

In consolidated cases, Tory Allen Howard was found guilty of one count of delivery of a controlled substance, Idaho Code § 37-2732(a)(1)(A), and trafficking in heroin, I.C. § 37-2732B(a)(6)(A), both with persistent violator enhancements, I.C. § 19-2514. The district court imposed a unified sentence of twenty-two years, with a minimum period of confinement of seven years, for delivery and twenty-eight years, with a minimum period of confinement of eight years,

for trafficking. The sentences were ordered to run consecutively. Howard appeals, contending that his sentences are excessive.

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, Howard's judgments of conviction and sentences are affirmed.