

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 45129/45242

STATE OF IDAHO,) 2018 Unpublished Opinion No. 338
)
Plaintiff-Respondent,) Filed: January 26, 2018
)
v.) Karel A. Lehrman, Clerk
)
CHRISTOPHER JAMES HARVEY,) THIS IS AN UNPUBLISHED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. Deborah A. Bail, District Judge. Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Bradly S. Ford, District Judge.

Judgment of conviction and unified sentence of fifteen years, with a minimum period of confinement of four years, for aggravated battery (Canyon County case), affirmed; judgment of conviction and concurrent unified sentence of fourteen years with four years determinate for grand theft and a concurrent six-month jail term for misdemeanor domestic battery (Ada County case), affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jenny C. Swinford, 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; HUSKEY, Judge;
and LORELLO, Judge

PER CURIAM

This consolidated appeal involves two cases arising from the same course of conduct in two separate counties. Pursuant to a plea agreement, Christopher James Harvey pled guilty to aggravated battery (Canyon County case), Idaho Code §§ 18-903(a), 18-907(a); Harvey also pled guilty to grand theft, I.C. §§ 18-2407(1), 18-2407(1)(b), and 18-2409, and misdemeanor domestic battery, I.C. §§ 18-903(11), 18-918(3)(b) (Ada County case). In the Canyon County

case, the district court imposed a unified sentence of fifteen years with four years determinate for aggravated battery. In the Ada County case, the district court imposed a concurrent unified sentence of fourteen years with four years determinate for grand theft and a concurrent six-month jail term for misdemeanor domestic battery. Harvey appeals, asserting that the district courts abused their discretion by imposing excessive sentences in each case.

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 these cases, we cannot say that the district courts abused their discretion.

Therefore, Harvey's judgments of conviction and sentences in Canyon County and Ada County are affirmed.