

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45210

STATE OF IDAHO,) 2018 Unpublished Opinion No. 423
)
Plaintiff-Respondent,) Filed: April 11, 2018
)
v.) Karel A. Lehrman, Clerk
)
JACOB DANIEL SCHMIDT,) THIS IS AN UNPUBLISHED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, Bingham County. Hon. Darren B. Simpson, District Judge.

Judgment of conviction and concurrent unified sentences of five years, with minimum periods of confinement of three years, for fleeing or attempting to elude a peace officer and aggravated assault, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kimberly A. Coster, 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

Jacob Daniel Schmidt pled guilty to fleeing or attempting to elude a peace officer, I.C. § 49-1404(2)(a) and/or (c), and aggravated assault, I.C. § 18-905. Additional charges were dismissed as part of the plea agreement. The district court sentenced Schmidt to concurrent unified terms of five years, with minimum periods of confinement of three years. The district court also ordered that Schmidt's sentences be served consecutively to another unrelated sentence. The district court retained jurisdiction and sent Schmidt to participate in the rider

program. Thereafter, the district court relinquished jurisdiction and ordered execution of Schmidt's sentences. Schmidt filed an I.C.R. 35 motion for reduction of his sentences, which the district court denied. Schmidt appeals, asserting 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, Schmidt's judgment of conviction and sentences are affirmed.