

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45538

STATE OF IDAHO,)
) Filed: July 16, 2018
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
RICHARD E. SHELLENBARGER, aka) OPINION AND SHALL NOT
RICHARD EARL SHELLENBARGER,) BE CITED AS AUTHORITY
)
Defendant-Appellant.)
)

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 eight years, with a minimum period of confinement of two years, for felony driving under the influence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Ben P. McGreevy, 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

Richard E. Shellenbarger, aka Richard Earl Shellenbarger, pled guilty to felony driving under the influence. I.C. §§ 18-8004 and 18-8005. In exchange for his guilty plea, an additional charge was dismissed, and the State agreed not to pursue an allegation that Shellenbarger is a persistent violator. The district court sentenced Shellenbarger to a unified term of eight years, with a minimum period of confinement of two years. Shellenbarger filed an I.C.R. 35 motion for

reduction of his sentence, which the district court denied. Shellenbarger appeals, asserting that his sentence is 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, Shellenbarger's judgment of conviction and sentence are affirmed.