

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45724

STATE OF IDAHO,)
) Filed: November 8, 2018
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
MARCO A. GARCIA-GARCIA,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Cassia County. Hon. Michael P. Tribe, District Judge.

Judgment of conviction and concurrent unified sentences of twelve years, with a minimum period of confinement of five years, for two counts of aggravated battery, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Sally J. Cooley, 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 LORELLO, Judge

PER CURIAM

Marco A. Garcia-Garcia entered an *Alford*¹ plea to two counts of aggravated battery. Idaho Code §§ 18-903(a), 18-907(1)(b). The district court sentenced Garcia-Garcia to concurrent unified terms of twelve years with five years determinate. Garcia-Garcia appeals asserting that the district court abused its discretion by imposing excessive sentences.²

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

² The State asserts that Garcia-Garcia waived his right to appeal his sentence. Garcia-Garcia contends the waiver was invalid. We need not decide this issue as Garcia-Garcia has failed to demonstrate 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, Garcia-Garcia's judgment of conviction and sentences are affirmed.