

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45741

STATE OF IDAHO,)
) Filed: August 1, 2018
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
JOSEPH DEAN VOLLE,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

Judgment of conviction and unified sentence of ten years, with a minimum period of confinement of four years, for felony operating a motor vehicle while under the influence of alcohol, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Maya P. Waldron, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before GUTIERREZ, Judge; HUSKEY, Judge;
and LORELLO, Judge

PER CURIAM

Joseph Dean Volle pleaded guilty to operating a motor vehicle while under the influence of alcohol, Idaho Code §§ 18-8004, -8005(9). The district court imposed a unified ten-year sentence, with four years determinate. Volle appeals, contending that the district court abused its discretion by executing Volle’s sentence rather than allowing him to participate in Veteran’s Court.

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). Participation in a problem solving court, including drug court, is discretionary with the trial court. I.C. § 19-5604. Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Volle's judgment of conviction and sentence are affirmed.