

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 46036/46037

STATE OF IDAHO,)
)
) **Filed: July 25, 2019**
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) **Karel A. Lehrman, Clerk**
)
) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

Order revoking probation, affirmed; judgment of conviction and unified sentence of ten years, with a minimum period of confinement of two years, for felony injury to a child, affirmed

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, 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 BRAILSFORD, Judge

PER CURIAM

This appeal is from consolidated cases involving revocation of probation (Docket No. 46036) and judgment of conviction (Docket No. 46037). Stephanie Dell Hart pled guilty to possession of methamphetamine, Idaho Code § 37-2732(c), and the district court imposed a unified sentence of seven years with two years determinate, and retained jurisdiction. Following the period of retained jurisdiction, the district court suspended Hart's sentence and placed her on supervised probation for seven years. Hart subsequently admitted that she violated the conditions of her probation by committing new crimes; Hart pled guilty to one of the new

crimes, felony injury to a child, I.C. § 18-1501(1). The district court revoked her probation and executed the underlying sentence in Docket No. 46036 and imposed a unified sentence of ten years with two years determinate in Docket No. 46037. Hart appeals asserting that the district court abused its discretion by revoking probation (Docket No. 46036) and imposing an excessive sentence (Docket No. 46037).

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).

When we review a sentence that is ordered into execution following a period of probation, we will examine the entire record encompassing events before and after the original judgment. *State v. Hanington*, 148 Idaho 26, 29, 218 P.3d 5, 8 (Ct. App. 2009). We base our review upon the facts existing when the sentence was imposed as well as events occurring between the original sentencing and the revocation of probation. *Id.* Thus, this Court will consider the elements of the record before the trial court that are properly made part of the record on appeal. *State v. Morgan*, 153 Idaho 618, 621, 288 P.3d 835, 838 (Ct. App. 2012). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, the order revoking probation and directing execution of Hart's previously suspended sentence is affirmed. Hart's judgment of conviction and sentence for felony injury to a child is affirmed.