

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46437

STATE OF IDAHO,)
)
) **Filed: May 20, 2019**
)
) **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) **THIS IS AN UNPUBLISHED**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 First Judicial District, State of Idaho, Kootenai County. Hon. John T. Mitchell, District Judge.

Judgment of conviction and unified sentence of seven years, with a minimum period of confinement of two years, for possession of methamphetamine, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Andrea W. Reynolds, 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

Jason Phillip Waring was on probation for possession of a controlled substance when officers found Waring in possession of methamphetamine and drug paraphernalia. Waring pled guilty to possession of methamphetamine. Idaho Code § 37-2732(c)(1). The district court sentenced Waring to a unified term of seven years with three years determinate to run consecutively to a sentence in an unrelated matter and retained jurisdiction. Following a period of retained jurisdiction the district court relinquished jurisdiction. Waring filed a Rule 35 motion for reconsideration of sentence, which the district court granted, in part, by reducing the

determinate portion of Waring's sentence to two years. Waring appeals asserting that the district court abused its discretion by imposing an excessive sentence, exceeding the prosecutor's recommendation, and by ordering the sentence to run consecutively to the unrelated sentence.

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, Waring's judgment of conviction and sentence are affirmed.