IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46538

STATE OF IDAHO,	)	
	)	**Filed: January 9, 2020**
Plaintiff-Respondent,	)	
	)	**Karel A. Lehrman, Clerk**
v.	)	
	)	**THIS IS AN UNPUBLISHED**
EVAN DEAN ANDERSON,	)	**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. Samuel Hoagland, District Judge.

Judgment of conviction and unified sentence of ten years, with a minimum period of confinement of one year, for possession of a controlled substance, methamphetamine, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Brian D. Dickson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

Before HUSKEY, Chief Judge; GRATTON, Judge;
and BRAILSFORD, Judge

PER CURIAM

Evan Dean Anderson was found guilty of possession of a controlled substance, methamphetamine, Idaho Code § 37-2732(c)(1), and an enhancement charge of persistent narcotics law violator, felony, I.C. § 37-2739. The district court imposed a unified sentence of ten years, with a minimum period of confinement of one year. Anderson appeals, contending 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).

At sentencing, the district court correctly recognized that sentencing was left to the discretion of the district court and that discretion was bounded by both statutes and the goals of sentencing. The district court also articulated what should be and was reviewed and stated:

> And the factors that we consider being all the facts and circumstances of the crime and your prior criminal record, the defendant's background, condition character and attitude. The information, material and recommendations in the presentence report. The impact on victims. When known, the various aggravating and mitigating factors. The arguments and recommendations of counsel and the defendant's own statements.

Based on the district court's review of that information, it found that "the defendant is not amendable to probation and he's a danger to himself and to society." This finding is supported by the record.

Thereafter, in explaining the length of the sentence (a unified term of ten years, with a minimum period of confinement of one year), the district court noted that Anderson would receive 226 days credit for time served, leaving Anderson with about four months to serve before he was parole eligible. The district court explained that serving the four months would result in Anderson receiving the same amount and level of programming in the four months as he would in the year-long period of retained jurisdiction. The district court stated, "One of the big reasons I've done this is because I'm a kind of a big believer in administrative simplicity." The district court explained that this sentencing formulation would allow Anderson to avoid dealing both with probation officers and parole officers.

A review of the transcript indicates the district court had multiple reasons for imposing the sentence it did and articulated two of those reasons: Anderson was a danger to himself and society and streamlining Anderson's supervision should he be released. Anderson, however, has challenged only the second basis of the district court's decision. Consequently, he cannot show error because he has failed to challenge the other basis. *See State v. Goodwin*, 131 Idaho 364, 366, 956 P.2d 1311, 1313 (Ct. App. 1998) (failing to challenge "an independent, alternative

basis" for the holding results in affirming the district court's decision on that unchallenged basis).

Furthermore, Anderson's claim also fails on the merits. Although Anderson cites *State v. Van Komen*, 160 Idaho 534, 540, 376 P.3d 738, 744 (2016), in support of his position that the district court considered an improper sentencing factor, we disagree. In *Van Komen*, the district court relinquished jurisdiction "*solely* because Defendant refused to waive his Fifth Amendment right and answer questions that could incriminate him and result in new felony charges. The court's action violated Defendant's Fifth Amendment rights." *Id*. (emphasis added). Here, the district court did not impose the sentence based solely on "administrative simplicity," as Anderson argues. Instead, streamlined supervision was just one of the articulated reasons for the sentence and it was for Anderson's benefit. The district court stated, "I don't really want you to be dealing with parole and parole officers and parole terms while at the same time dealing with probation, probation officers and probation terms. It's easier to just have one." When the district court's statement is reviewed in context, it is clear the district court was crafting a sentence to provide Anderson with a unified supervision schedule, which would make Anderson's rehabilitation more likely. This makes sense in light of Anderson's persistent mental health and substance abuse issues, and Anderson's inability to successfully complete either probation or parole in the past. Considering a factor that affects Anderson's rehabilitation was not an error. Thus, applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

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