

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46616

STATE OF IDAHO,)
) Filed: September 16, 2019
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
JUSTICE TYREL GARCIA,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Benjamin Cluff, District Judge.

Judgment of conviction and unified sentence of seven years with a three-year determinate term for trafficking in marijuana weighing one pound or more, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Andrea W. Reynolds, Deputy Appellate Public Defender, Boise, for appellant.

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

Before HUSKEY, Judge; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

Justice Tyrel Garcia pled guilty to trafficking in marijuana weighing one pound or more, Idaho Code § 37-2732B(a)(1)(A). The district court imposed a unified sentence of seven years with three years determinate. Garcia 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).

Applying these standards and having reviewed the record in this case, we cannot say that the district court abused its discretion. We reject Garcia's argument that the district court discounted his counsel's sentencing recommendation based on a mistaken recollection of the plea agreement. The district court specifically stated during the sentencing hearing that it had considered counsel's comments and recommendations. Therefore, Garcia's judgment of conviction and sentence are affirmed.