

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47380

STATE OF IDAHO,)
) Filed: August 28, 2020
 Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
 v.)
) THIS IS AN UNPUBLISHED
 JODY ALLEN MILLER,) 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 five years, with a minimum period of confinement of two years, for attempted introduction of a controlled substance into a correctional facility, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jeff Nye, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Jody Allen Miller pled guilty to attempted introduction of a controlled substance into a correctional facility. I.C. §§ 18-2510(3) and 19-2520F. In exchange for his guilty plea, the State agreed not to pursue an allegation that Miller is a persistent violator and to limit its sentence recommendation to a unified term of five years, with a minimum period of confinement of two years. The district court sentenced Miller to a unified term of five years, with a minimum period of confinement of two years, to run consecutively to an unrelated sentence. Miller filed an

I.C.R. 35 motion, which the district court denied. Miller appeals, arguing 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.

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