IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47458

STATE OF IDAHO,)
Plaintiff-Respondent,) Filed: July 20, 2020
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
PORTER KEITH AVERETT,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Cynthia K.C. Meyer, District Judge.

Judgment of conviction and concurrent, unified sentences of life with a minimum period of confinement of twenty-five years for three counts of lewd conduct with a minor under sixteen; and a unified sentence of twenty-five years with twenty years determinate on a conviction for sexual abuse of a child, <u>affirmed</u>.

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

Hon. Lawrence G. Wasden, Attorney General; Andrew V. Wake, Deputy Attorney General, Boise, for respondent.

Before GRATTON, Judge; LORELLO, Judge; and BRAILSFORD, Judge

PER CURIAM

Porter Keith Averett pled guilty to three counts of lewd conduct with a minor under sixteen, Idaho Code § 18-1508, and one count of sexual abuse of a child, I.C. § 18-1506(1)(b). The district court sentenced Averett to unified sentences of life with twenty-five years determinate for three counts of lewd conduct and a unified sentence of twenty-five years with twenty years determinate for sexual abuse of a child. All sentences are to run concurrently. Averett appeals asserting that the district court abused its discretion by imposing excessive sentences. Specifically, Averett contends that the district court failed to act consistently with the

legal standards applicable at sentencing, particularly as to a young, first-time, purportedly remorseful offender.

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, Averett's judgment of conviction and sentences are affirmed.