

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47693

STATE OF IDAHO,)	
)	Filed: January 21, 2021
Plaintiff-Respondent,)	
)	Melanie Gagnepain, Clerk
v.)	
)	THIS IS AN UNPUBLISHED
MICHAEL RYAN MCDERMOTT,)	OPINION AND SHALL NOT
)	BE CITED AS AUTHORITY
Defendant-Appellant.)	
)	

Appeal from the District Court of the First Judicial District, State of Idaho, Bonner County. Hon. Barbara A. Buchanan, District Judge.

Judgment of conviction and determinate two-year sentence for burglary, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kale D. Gans, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Michael Ryan McDermott was charged with burglary, Idaho Code § 18-1401, for entering a retail store and taking a wakeboard without paying for it. McDermott was also charged with grand theft, in violation of I.C. § 18-2403(4), for actions unrelated to the burglary charge. The district court severed the two charges and after a bench trial, the district court found McDermott guilty of burglary. The State dismissed the grand theft charge.

While awaiting sentencing, McDermott was found guilty of second degree murder; the cases were consolidated for sentencing. On the burglary charge, the district court imposed a unified sentence of two years fixed, to run consecutively to the sentence on the second degree murder charge, with credit for 263 days. McDermott timely appeals the burglary 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. *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.

A review of the record in this case supports the district court's exercise of discretion in imposing the burglary sentence. Therefore, the McDermott's judgment of conviction and sentence is affirmed.