

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47799

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
HYOUNGSUK KIM,)
)
Defendant-Appellant.)
)

Filed: June 1, 2021
Melanie Gagnepain, Clerk
THIS IS AN UNPUBLISHED
OPINION AND SHALL NOT
BE CITED AS AUTHORITY

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Cheri C. Copsey, District Judge.

Judgment of conviction and unified sentence of twenty years, with a minimum period of confinement of five years, for battery with the intent to commit rape, affirmed.

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

Hon. Lawrence G. Wasden, Attorney General; John C. McKinney, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Hyongsuk Kim was found guilty of battery with intent to commit rape, Idaho Code §§ 18-903, -911. The district court imposed a unified sentence of twenty years, with a minimum period of confinement of five years. Kim appeals, contending that his sentence is excessive and the district court should have placed him on probation.

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). That discretion includes the trial court's decision regarding whether a defendant should be placed on probation. I.C. § 19-2601(3), (4); *State v. Reber*, 138 Idaho 275, 278, 61 P.3d 632, 635 (Ct. App. 2002); *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 594, 596-97 (Ct. App. 1990). The record in this case shows that the district court properly considered the information before it and determined that probation was not appropriate. We hold that Kim has failed to show that the district court abused its discretion when imposing sentence. Therefore, Kim's judgment of conviction and sentence are affirmed.