

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48041

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, ) **Filed: January 21, 2021**  
 )  
 v. ) **Melanie Gagnepain, Clerk**  
 )  
 JOSEPH ROBERT CHURICH, ) **THIS IS AN UNPUBLISHED**  
 ) **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. John T. Mitchell, District Judge.

Judgment of conviction and unified sentence of five years, with a minimum period of confinement of two years, for possession of a controlled substance, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jacob L. Westerfield, 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; GRATTON, Judge;  
and BRAILSFORD, Judge  
\_\_\_\_\_

PER CURIAM

Joseph Robert Church pleaded guilty to possession of a controlled substance, methamphetamine, Idaho Code § 37-2732(c)(1). The district court imposed a five-year sentence, with a minimum period of confinement of two years, and retained jurisdiction. Church appeals, contending that his sentence is excessive because 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). 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). A district court's sentencing discretion includes the trial court's decision regarding whether a defendant should be placed on probation. I.C. § 19-2601(3); *State v. Reber*, 138 Idaho 275, 278, 61 P.3d 632, 635 (Ct. App. 2002).

The record in this case shows that the district court properly considered the information before it and determined that probation was not appropriate. Based on our review of the record, we cannot say the district court abused its discretion when imposing sentence. Therefore, Church's judgment of conviction and sentence is affirmed.