

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48142

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: May 18, 2021**
)
 v.) **Melanie Gagnepain, Clerk**
)
 KEVIN CARL KIRCHNER,) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Bruce L. Pickett, District Judge.

Judgment of conviction and unified sentence of ten years, with a minimum period of confinement of two years, for attempted strangulation, affirmed.

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

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Kevin Carl Kirchner entered an *Alford*¹ plea to attempted strangulation, Idaho Code § 18-923. The district court imposed a unified sentence of ten years, with a minimum period of confinement of two years, and retained jurisdiction. Kirchner appealed, contending that his sentence is excessive. Subsequently, Kirchner filed an Idaho Criminal Rule 35 motion, which the district court denied. Kirchner does not challenge on appeal the denial of his I.C.R. 35 motion in

¹ See *North Carolina v. Alford*, 400 U.S. 25 (1970).

light of *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007); consequently the only issue before this Court is whether the district court imposed an excessive 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 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, Kirchner's judgment of conviction and sentence are affirmed.