

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48150

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: May 12, 2021**
)
 v.) **Melanie Gagnepain, Clerk**
)
 BRANDYN LYNN AMOS,) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
 _____)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bear Lake County. Hon. Mitchell W. Brown, District Judge.

Judgment of conviction and unified sentence of five years, with a minimum period of confinement of two years, for aiding and abetting 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; Justin R. Porter, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Brandyn Lynn Amos pleaded guilty to aiding and abetting burglary, Idaho Code § 18-1401. The district court imposed a unified sentence of five years, with a minimum period of confinement of two years, and retained jurisdiction. Amos filed an Idaho Criminal Rule 35 motion wherein he asserted the State breached the plea agreement and the district court abused its discretion by denying Amos’s motion for a second continuance for a GAIN evaluation. Following a hearing, the district court denied the motion. Next, the district court held a jurisdictional review hearing

after which, the district court placed Amos on probation¹. Amos appeals, contending that his sentence is excessive.

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, Amos's judgment of conviction and sentence are affirmed.

¹ Following Amos's rider, the district court placed him on probation which is the relief Amos was seeking. As a result, he limited his appeal to only challenge his underlying sentence and he does not challenge the denial of his Idaho Criminal Rule 35 motion.