

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48157

STATE OF IDAHO,)
) Filed: March 15, 2021
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
DAVID WALTER JOHNSON,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Third Judicial District, State of Idaho, Gem County. Hon. George A. Southworth, District Judge.

Judgment of conviction and unified sentence of twenty-five years, with a minimum period of confinement of ten years, for lewd and lascivious conduct with a child under sixteen, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jennifer Jensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

David Walter Johnson pled guilty to lewd and lascivious conduct with a child under sixteen. I.C. § 18-1508. In exchange for his guilty plea, additional charges were dismissed. The district court sentenced Johnson to a unified term of twenty-five years, with a minimum period of confinement of ten years. Johnson appeals, arguing 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 in imposing sentence.

Johnson also argues that, although mindful of I.C. § 19-2522(1) and *State v. Whipple*, 134 Idaho 498, 506, 5 P.3d 478, 486 (Ct. App. 2000), the district court erred in denying his request for a psychological evaluation for the purpose of evaluating the accuracy of the results of his psychosexual evaluation. As Johnson acknowledges, a psychological evaluation pursuant I.C. § 19-2522 is not warranted for this purpose.

Johnson's judgment of conviction and sentence are affirmed.