## IN THE COURT OF APPEALS OF THE STATE OF IDAHO

## **Docket No. 48903**

STATE OF IDAHO,	)
Plaintiff-Respondent,	) Filed: August 2, 2022
	) Melanie Gagnepain, Clerk
<b>v.</b>	)
	) THIS IS AN UNPUBLISHED
BILLY WADE BRIGGS,	) OPINION AND SHALL NOT
	) <b>BE CITED AS AUTHORITY</b>
Defendant-Appellant.	)
	)

Appeal from the District Court of the Third Judicial District, State of Idaho, Payette County. Hon. Susan E. Wiebe, 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, possession of marijuana, and possession of paraphernalia, <u>affirmed</u>.

Eric D. Fredericksen, State Appellate Public Defender; Ben McGreevy, Deputy Appellate Public Defender, Boise, for appellant.

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

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

## PER CURIAM

Billy Wade Briggs was found guilty of possession of a controlled substance, Idaho Code § 37-2732(c)(1); possession of marijuana, I.C. § 37-2732(c)(3); and possession of paraphernalia, I.C. § 37-2734A(1). The district court sentenced Briggs to a unified term of five years with two years determinate, and placed Briggs on probation for a period of three years. Briggs appeals asserting that the district court abused its discretion by declining to withhold judgment.

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). Our role is limited to determining whether reasonable minds could reach the same conclusion as the district court. *State v. Biggs*, 168 Idaho 112, 116, 480 P.3d 150, 154 (Ct. App. 2020).

The district court determined that a withheld judgment was not appropriate in this case. The district court wanted Briggs to "have some incentive that if you do violate probation, which I'm going to give you a chance at, that you can expect no less than a rider." The district court also explained to Briggs that if he successfully completed probation, he could file a motion to remove the felony from his record. The court noted that Briggs' time in custody "was because of [his] choices" and the court "tried to release [Briggs] but it didn't work." The district court's finding is supported by the record. The district court did not abuse its discretion in declining to enter a withheld judgment. Therefore, Briggs' judgment of conviction and sentence are affirmed.