

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 49181/49182/49183

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: July 29, 2022**
)
 v.) **Melanie Gagnepain, Clerk**
)
 JUSTIN SCOTT COLLINS,) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
 _____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Peter G. Barton, District Judge.

Orders revoking probation and executing previously suspended sentences and judgment of conviction and sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kiley A. Heffner, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Justin Scott Collins has three cases in this consolidated appeal. In Docket No. 49181, Collins pled guilty to felony possession of a controlled substance, Idaho Code § 37-2732(c). In Docket No. 49182, Collins pled guilty to felony leaving the scene of an injury accident, I.C. § 18-8007. At a consolidated sentence hearing, the district court imposed a unified sentence of seven years, with a minimum period of incarceration of two years, for the possession of a controlled substance charge and a unified sentence of five years, with a minimum period of incarceration of two years, for the leaving the scene of an accident charge. The sentences were ordered to run

concurrently. After a period of retained jurisdiction, the court suspended the sentences and placed Collins on probation.

Subsequently, in Docket Nos. 49181 and 49182, Collins admitted to violating the terms of the probation, which included admitting to a new charge in Docket No. 49183, and the district court consequently revoked probation and ordered execution of the previously suspended sentences. In Docket No. 49183, Collins pled guilty to felony possession of a controlled substance, I.C. § 37-2732(c), and the district court imposed a unified sentence of seven years, with a minimum period of incarceration of two years. The sentence was ordered to run concurrently with the sentences in Docket Nos. 49181 and 49182. On appeal, in Docket Nos. 49181 and 49182, Collins does not challenge the district court's finding that he violated his probation but argues the district court's decision to revoke probation without retaining jurisdiction was an abuse of discretion. In Docket No. 49183, Collins also asserts the district court abused its discretion by imposing 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). 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).

When we review a sentence that is ordered into execution following a period of probation, we will examine the entire record encompassing events before and after the original judgment. *State v. Hanington*, 148 Idaho 26, 29, 218 P.3d 5, 8 (Ct. App. 2009). We base our review upon the facts existing when the sentence was imposed as well as events occurring between the original sentencing and the revocation of probation. *Id.* Thus, this Court will consider the elements of the record before the trial court that are properly made part of the record on appeal. *State v. Morgan*, 153 Idaho 618, 621, 288 P.3d 835, 838 (Ct. App. 2012).

Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion. Therefore, the orders revoking probation and executing

Collins' previously suspended sentences in Docket Nos. 49181 and 49182 and the judgment of conviction and sentence in Docket No. 49183 are affirmed.