

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49539

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, ) **Filed: December 15, 2022**  
 )  
 v. ) **Melanie Gagnepain, Clerk**  
 ) **THIS IS AN UNPUBLISHED**  
 SCOTT WAYNE MCMIKLE, ) **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. Cynthia Yee-Wallace, District Judge.

Judgment of conviction and unified sentence of ten years, with a minimum period of confinement of five years, for domestic violence or battery, 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.

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

PER CURIAM

Scott Wayne McMikle pled guilty to felony domestic violence or battery, Idaho Code §§ 18-918(2), -903(b). The district court imposed a unified sentence of ten years, with a minimum period of incarceration of five years. McMikle appeals, contending that his sentence is excessive. Specifically, McMikle asserts the district court abused its discretion by not placing him on probation or, in the alternative, by imposing an excessive determinate portion of his 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). That discretion includes the trial court's decision regarding whether a defendant should be placed on probation. I.C. § 19-2601(3), (4); *State v. Reber*, 138 Idaho 275, 278, 61 P.3d 632, 635 (Ct. App. 2002); *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 594, 596-97 (Ct. App. 1990).

The record in this case shows the district court properly considered the information before it and determined that probation was not appropriate. Further, we cannot say that the district court abused its discretion in imposing the determinate portion of McMikle's sentence. Therefore, McMikle's judgment of conviction and sentence are affirmed.