

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49566

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: August 23, 2022**
)
 v.) **Melanie Gagnepain, Clerk**
) **THIS IS AN UNPUBLISHED**
 PETER O'DONALD CLARKE,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. John T. Mitchell, District Judge.

Judgment of conviction and five-year determinate sentence, suspended, with five years of probation for aggravated assault; judgment of conviction and 365-day jail sentence for sexual battery, and judgment of conviction and 365-day jail sentence, suspended, with two years of probation, for sexual battery, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jenny C. Swinford, 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; HUSKEY, Judge;
and BRAILSFORD, Judge

PER CURIAM

Peter O'Donald Clarke entered *Alford*¹ pleas to aggravated assault, Idaho Code §§ 18-901, 18-905, and two misdemeanor counts of sexual battery, I.C. § 18-924. The district court imposed a determinate five-year sentence for aggravated assault, suspended the sentence, and placed Clarke on probation for five years. For the first count of sexual battery, the district court imposed 365 days of jail to be served. For the second count of sexual battery, the district court imposed 365

¹ See *North Carolina v. Alford*, 400 U.S. 25 (1970).

days of jail, suspended the sentence, and placed Clarke on probation for two years. The sentence for the aggravated assault runs consecutively to the two misdemeanor sentences. Clarke appeals, contending that his sentences are 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). 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).

Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion. Therefore, Clarke's judgments of conviction and sentences are affirmed.