

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49997

|                              |                                   |
|------------------------------|-----------------------------------|
| STATE OF IDAHO,              | )                                 |
|                              | ) <b>Filed: March 9, 2023</b>     |
| <b>Plaintiff-Respondent,</b> | )                                 |
|                              | ) <b>Melanie Gagnepain, Clerk</b> |
| v.                           | )                                 |
|                              | ) <b>THIS IS AN UNPUBLISHED</b>   |
| DAVID JOHN McDANIEL,         | ) <b>OPINION AND SHALL NOT</b>    |
|                              | ) <b>BE CITED AS AUTHORITY</b>    |
| <b>Defendant-Appellant.</b>  | )                                 |
| _____                        | )                                 |

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Patrick J. Miller, District Judge.

Judgment of conviction for two concurrent terms of twenty-five years with ten years determinate for one count of conspiracy to traffic in methamphetamine and one count of conspiracy to deliver and/or manufacture fentanyl, affirmed.

Silvey Law Office LTD; Greg S. Silvey, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

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PER CURIAM

David John McDaniel pled guilty to one count of conspiracy to traffic in methamphetamine (Idaho Code §§ 37-2732B(a)(4)(B), 18-1701, 37-2732B(b)), and one count of conspiracy to deliver and/or manufacture fentanyl (I.C. §§ 37-2732(a), 18-1701, 37-2732(f)). In exchange for his guilty plea, additional charges were dismissed. The district court imposed two concurrent terms of twenty-five years with ten years determinate. McDaniel appeals, contending 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). 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, McDaniel's judgment of conviction and sentence are affirmed.