

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50049

STATE OF IDAHO, )  
 )  
 ) **Filed: March 3, 2023**  
 )  
 ) **Melanie Gagnepain, Clerk**  
 )  
 ) **THIS IS AN UNPUBLISHED**  
 ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 )  
 )  
 )  
 )  
 )  
 )

---

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. Rosemary Emory, District Judge.

Judgment of conviction and unified sentence of twenty years, with a minimum period of confinement of five years, for lewd of conduct with a minor under sixteen years of age, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

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

---

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

---

PER CURIAM

Kyle Curtis Terry pled guilty to lewd conduct with a minor under sixteen years of age. I.C. § 18-1508. The district court sentenced Terry to a unified term of twenty years, with a minimum period of confinement of five years. Terry filed an I.C.R. 35 motion, which the district court denied. Terry appeals, arguing 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, Terry's judgment of conviction and sentence are affirmed.