

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50085

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: October 26, 2023**
)
 v.) **Melanie Gagnepain, Clerk**
) **THIS IS AN UNPUBLISHED**
 GUADALUPE GUILLEN MORENO,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
 _____)

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Thomas W. Whitney, District Judge.

Judgment of conviction and unified sentence of three years, with a minimum period of incarceration of two years, for felony driving under the influence of alcohol (third or subsequent offense), affirmed.

Erik R. Lehtinen, Interim State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kale D. Gans, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Guadalupe Guillen Moreno was found guilty of felony driving under the influence of alcohol (third or subsequent offense), Idaho Code § 18-8004, and open container of alcohol by driver, I.C. § 23-505(2). The district court imposed a unified sentence of three years, with a minimum period of incarceration of two years, for driving under the influence. The district court sentenced Moreno to 180 days of jail with credit for time served for open container. Moreno appeals, contending that his DUI 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, Moreno's judgment of conviction and sentence are affirmed.