

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50791

STATE OF IDAHO,)
)
) **Filed: March 20, 2024**
)
) **Melanie Gagnepain, Clerk**
)
) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
)
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)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Roger B. Harris, District Judge.

Judgment of conviction and unified sentence of seven years, with a minimum period of confinement of two and one-half years, for possession of a controlled substance, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Andrea W. Reynolds, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Cody Brian Wade pled guilty to felony possession of a controlled substance and a misdemeanor charge of possession of drug paraphernalia, Idaho Code §§ 37-2732(c)(1), 37-2734A(1). The district court imposed a unified term of seven years with two and one-half years determinate for the possession charge and a concurrent term of 180 days in jail for the drug paraphernalia charge. Wade filed an Idaho Criminal Rule 35 motion for reconsideration of the sentence which was denied.¹ Wade appeals, contending that his sentence is excessive because the

¹ The denial of the Rule 35 motion is not at issue in this appeal.

district court should have suspended his sentence with the condition that he participate in Mental Health Court.

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, Wade's judgment of conviction and sentence are affirmed.