

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52300

STATE OF IDAHO,	)
	)
Plaintiff-Respondent,	)
	)
v.	)
	)
DAVID GERTHUNG,	)
	)
Defendant-Appellant.	)
	)

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Appeal from the District Court of the Third Judicial District, State of Idaho, Owyhee County. Hon. Randall S. Grove, District Judge.

Judgment of conviction and concurrent, unified sentences of thirty years, with minimum periods of confinement of fifteen years, for two counts of lewd conduct with a child under sixteen, affirmed.

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

Hon. Raúl R. Labrador, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

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Before HUSKEY, Judge; LORELLO, Judge;  
and TRIBE, Judge

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PER CURIAM

David Gerthung was found guilty of two counts of lewd conduct with a child under sixteen. Idaho Code § 18-1508. The district court sentenced Gerthung to two concurrent, unified terms of thirty years, with minimum periods of confinement of fifteen years. Gerthung appeals, arguing 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, Gerthung's judgment of conviction and sentences are affirmed.