

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41244

STATE OF IDAHO,	)	2014 Unpublished Opinion No. 544
	)	
<b>Plaintiff-Respondent,</b>	)	<b>Filed: June 4, 2014</b>
	)	
v.	)	<b>Stephen W. Kenyon, Clerk</b>
	)	
GERALD W. SILENCE,	)	<b>THIS IS AN UNPUBLISHED</b>
	)	<b>OPINION AND SHALL NOT</b>
<b>Defendant-Appellant.</b>	)	<b>BE CITED AS AUTHORITY</b>
	)	

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Richard D. Greenwood, District Judge.

Judgment of conviction and unified sentence of five years, with two years determinate, and a consecutive indeterminate sentence of five years for two counts of the sale of unregistered securities, affirmed.

Sara B. Thomas, State Appellate Public Defender; Reed P. Anderson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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Before GUTIERREZ, Chief Judge; LANSING, Judge;  
and MELANSON, Judge

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PER CURIAM

Pursuant to a plea agreement, Gerald W. Silence pled guilty to two counts of the sale of unregistered securities. Idaho Code §§ 30-14-301, 30-14-508. The district court sentenced Silence to a unified term of five years, with two years determinate, for the first count and a consecutive indeterminate term of five years for the second count. Silence subsequently filed an Idaho Criminal Rule 35 motion for reduction of his sentences, which the district court denied. Silence now appeals, contending 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). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Silence's judgment of conviction and sentences are affirmed.