

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42752

STATE OF IDAHO,)	2015 Unpublished Opinion No. 773
)	
Plaintiff-Respondent,)	Filed: December 30, 2015
)	
v.)	Stephen W. Kenyon, Clerk
)	
DAVID ROBERT KIRBY, JR.,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

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

Judgment of conviction and unified sentence of eight years, with a minimum period of confinement of three years, for felony domestic battery, affirmed.

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

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

David Robert Kirby, Jr. pled guilty to felony domestic violence. Idaho Code §§ 18-918(2), 18-903(a). The district court sentenced Kirby to a unified sentence of eight years with three years determinate. Kirby appeals asserting that the district court abused its discretion by imposing an excessive sentence.

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