

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41051

STATE OF IDAHO,)	2014 Unpublished Opinion No. 534
)	
Plaintiff-Respondent,)	Filed: May 30, 2014
)	
v.)	Stephen W. Kenyon, Clerk
)	
TONY KENT BREWER,)	THIS IS AN UNPUBLISHED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. Timothy L. Hansen, District Judge.

Judgment of conviction and unified sentence of five years with a minimum period of confinement of two years for battery on a police officer, affirmed.

Sara B. Thomas, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Tony Kent Brewer was convicted of battery on a police officer, Idaho Code §§ 18-915(3), 18-903(a); misdemeanor possession of drug paraphernalia, I.C. § 37-2734A; misdemeanor resisting or obstructing officers, I.C. § 18-705; and misdemeanor providing false information to law enforcement, I.C. § 18-5413(2). The district court sentenced Brewer to a unified term of five years with a minimum period of confinement of two years for the battery charge, imposed concurrent 180-day sentences on the misdemeanors, and retained jurisdiction. Brewer filed an Idaho Criminal Rule 35 motion, which the district court denied. Brewer appeals, contending the district court abused its discretion in imposing an excessive sentence on the battery charge.

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. *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, Brewer's judgment of conviction and sentence are affirmed.