

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 38167

STATE OF IDAHO,)	2011 Unpublished Opinion No. 544
)	
Plaintiff-Respondent,)	Filed: July 13, 2011
)	
v.)	Stephen W. Kenyon, Clerk
)	
DALE E. MOLDENHAUER, JR.,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Robert C. Naftz, District Judge.

Judgment of conviction and unified sentence of five years, with a minimum period of confinement of two years, for aggravated assault, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Dale E. Moldenhauer, Jr. was convicted of aggravated assault, Idaho Code §§ 18-901(b); 18-905(b). The district court imposed a unified five-year sentence with two years determinate, but following a period of retained jurisdiction, suspended the sentence, and placed Moldenhauer on supervised probation for four years. Subsequently, Moldenhauer admitted to violating several terms of the probation, and the district court consequently revoked probation and ordered execution of the original sentence. Moldenhauer appeals, contending that the district court abused its discretion in failing to sua sponte reduce his sentence upon revoking probation.

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 a 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).

When we review a sentence that is ordered into execution following a period of probation, we will examine the entire record encompassing events before and after the original judgment. *State v. Hanington*, 148 Idaho 26, 29, 218 P.3d 5, 8 (Ct. App. 2009). We base our review upon the facts existing when the sentence was imposed as well as events occurring between the original sentencing and the revocation of probation. *Id.*

Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion in ordering execution of Moldenhauer's original sentence without modification. Therefore, the order directing execution of Moldenhauer's previously suspended sentence is affirmed.