

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46256

STATE OF IDAHO,)
) Filed: February 14, 2019
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
ALVIN RAY RAMIREZ,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Gene A. Petty, District Judge.

Judgment of conviction and unified sentence of five years, with a minimum period of confinement of four years, for felony eluding a peace officer, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Ben P. McGreevy, Deputy Appellate Public Defender, Boise, for appellant.

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

Before HUSKEY, Judge; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

Alvin Ray Ramirez entered an *Alford*¹ plea to felony eluding a peace officer. I.C. § 49-1404(2). In exchange for his guilty plea, an additional charge that he is a persistent violator was dismissed and the State agreed not to pursue probation violation allegations in an unrelated case. The district court sentenced Ramirez to a determinate term of five years. Ramirez filed an I.C.R. 35 motion, which the district court granted. The district court reduced Ramirez's sentence to a

¹ See *North Carolina v. Alford*, 400 U.S. 25 (1970).

unified term of five years, with a minimum period of confinement of four years. Ramirez appeals, arguing that his modified sentence is 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, Ramirez's judgment of conviction and sentence are affirmed.