

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 38261

STATE OF IDAHO,	)	2011 Unpublished Opinion No. 566
	)	
Plaintiff-Respondent,	)	Filed: August 2, 2011
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
PEDRO CHAVEZ AVILA,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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

Order revoking probation and requiring execution of unified eight-year sentence with three-year determinate term for felony driving under the influence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

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

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

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PER CURIAM

Pedro Chavez Avila was convicted of felony driving under the influence. Idaho Code § 18-8004(1). The district court imposed a unified ten-year sentence with a three-year determinate term, suspended the sentence and placed Avila on probation. Subsequently, Avila admitted to violating several terms of the probation, and the district court consequently revoked probation and ordered execution of a reduced sentence of eight years with a three-year determinate term. Avila appeals, contending that the district court abused its discretion in failing to further reduce his sentence upon revoking his 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 Avila's modified sentence. Therefore, the order directing execution of Avila's previously suspended sentence is affirmed.