

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 38364

STATE OF IDAHO,)	2011 Unpublished Opinion No. 670
)	
Plaintiff-Respondent,)	Filed: October 20, 2011
)	
v.)	Stephen W. Kenyon, Clerk
)	
RICHARD LEE CHADA,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Renae J. Hoff, District Judge.

Order revoking probation and reinstating previously suspended unified five-year sentence with three-year determinate term for possession of a controlled substance, affirmed.

Molly J. Huskey, State Appellate Public Defender; Shawn F. Wilkerson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Richard Lee Chada pled guilty to possession of a controlled substance, I.C. § 37-2732(c)(1), and the district court imposed a unified five-year sentence, with a three-year determinate term. The court suspended the sentence and placed Chada on probation. This probation was subsequently revoked and the suspended sentence ordered into execution. Chada filed an I.C.R. 35 motion for reduction of his sentence, which the district court denied. On appeal, Chada does not challenge the district court’s decision to revoke probation, but argues only that this sentence is excessive and that the district court should have sua sponte reduced his sentence upon revocation of probation.

Upon revoking a defendant's probation, a court may order the original sentence executed or reduce the sentence as authorized by I.C.R. 35. *State v. Hanington*, 148 Idaho 26, 28, 218 P.3d 5, 7 (Ct. App. 2009). 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. 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.

Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion. The record in this case shows that the district court properly considered the information before it and determined that probation or modification of the sentence was not appropriate. Chada has failed to show that the district court abused its discretion. Therefore, the order revoking probation and directing execution of Chada's previously suspended sentence is affirmed.