

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 38306

STATE OF IDAHO,)	2011 Unpublished Opinion No. 609
)	
Plaintiff-Respondent,)	Filed: September 8, 2011
)	
v.)	Stephen W. Kenyon, Clerk
)	
JAMES PRESTON HAVER,)	THIS IS AN UNPUBLISHED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. Patrick H. Owen, District Judge.

Judgment of conviction and unified sentence of seventeen years, with a minimum period of confinement of eight years, for felony aggravated battery and commission of a felony crime with the intent to promote gang activity, 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; GUTIERREZ, Judge;
and MELANSON, Judge

PER CURIAM

James Preston Haver plead guilty to felony aggravated battery, Idaho Code §§ 18-903(a), 907(1)(a), and commission of a felony crime with the intent to promote gang activity, I.C. §§ 18-8502, 8503. The district court sentenced Haver to an enhanced unified term of seventeen years, with a minimum period of confinement of eight years, to run consecutively to the other sentences being served by Haver. Haver appeals.

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, Haver's judgment of conviction and sentence are affirmed.