

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 38630

STATE OF IDAHO,)	2011 Unpublished Opinion No. 738
)	
Plaintiff-Respondent,)	Filed: December 7, 2011
)	
v.)	Stephen W. Kenyon, Clerk
)	
LAZARO LUNA,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Cassia County. Hon. Michael R. Crabtree, District Judge.

Order relinquishing jurisdiction and requiring execution of unified ten-year sentence with three-year determinate term for possession of methamphetamine with intent to deliver, affirmed.

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

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

Before LANSING, Judge; GUTIERREZ, Judge;
and MELANSON, Judge

PER CURIAM

Lazaro Luna was convicted of possession of methamphetamine with intent to deliver, Idaho Code § 37-2732(a)(1)(A). The district court imposed a unified sentence of ten years with three years determinate and retained jurisdiction. At the conclusion of the retained jurisdiction program, the court relinquished jurisdiction and ordered execution of Luna’s sentence. Luna appeals, contending that the court abused its discretion in failing to sua sponte reduce his sentence upon relinquishing jurisdiction.

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 in ordering execution of Luna's original sentence, without modification. Therefore, the order relinquishing jurisdiction and directing execution of Luna's previously suspended sentence is affirmed.