

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37323

|                              |   |                                  |
|------------------------------|---|----------------------------------|
| STATE OF IDAHO,              | ) | 2011 Unpublished Opinion No. 428 |
|                              | ) |                                  |
| <b>Plaintiff-Respondent,</b> | ) | <b>Filed: April 6, 2011</b>      |
|                              | ) |                                  |
| v.                           | ) | <b>Stephen W. Kenyon, Clerk</b>  |
|                              | ) |                                  |
| <b>RICHARD L. MICHELL,</b>   | ) | <b>THIS IS AN UNPUBLISHED</b>    |
|                              | ) | <b>OPINION AND SHALL NOT</b>     |
| <b>Defendant-Appellant.</b>  | ) | <b>BE CITED AS AUTHORITY</b>     |
|                              | ) |                                  |

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Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. John T. Mitchell, District Judge.

Judgment of conviction and suspended fixed sentence of ten years for aggravated driving under the influence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jordan E. Taylor, 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 GUTIERREZ, Judge

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PER CURIAM

Richard L. Michell pled guilty to aggravated driving under the influence. I.C. § 18-8006. The district court sentenced Michell to a fixed term of ten years. The district court retained jurisdiction and thereafter suspended Michell’s sentence and placed him on probation. Michell violated the terms of his probation, and the district court revoked probation, ordered execution of the underlying sentence, and retained jurisdiction. Following completion of his second period of retained jurisdiction, the district court again suspended Michell’s sentence and placed him on probation for six years. Michell 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, Michell's judgment of conviction and suspended sentence are affirmed.