

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37738

STATE OF IDAHO,	)	2011 Unpublished Opinion No. 463
	)	
<b>Plaintiff-Respondent,</b>	)	<b>Filed: May 9, 2011</b>
	)	
v.	)	<b>Stephen W. Kenyon, Clerk</b>
	)	
AARON RECTOR,	)	<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THIS IS AN UNPUBLISHED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 Fifth Judicial District, State of Idaho, Cassia County. Hon. Michael R. Crabtree, District Judge.

Order revoking probation and executing previously suspended unified seven-year sentence with three-year determinate term for grand theft by possession, affirmed.

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

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, 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

Aaron Rector pled guilty to grand theft by possession, I.C. §§ 18-2403(4), 18-2407(1), and the district court imposed a unified seven-year sentence with a three-year determinate term. The district court retained jurisdiction for 180 days, and Rector was sent to participate in the rider program at the North Idaho Correctional Institution (NICI). Rector completed his rider and the district court suspended the sentence and placed Rector on probation. Rector violated his probation, and the district court revoked Rector’s probation, but again retained jurisdiction. Rector completed his second rider, and the district court again suspended the sentence and placed Rector on probation. Rector violated the terms of his probation, and his probation was subsequently revoked and the suspended sentence ordered into execution. On appeal, Rector

does not challenge the district court's decision to revoke probation, but argues only that the district court should have sua sponte reduced his sentence upon revocation of probation and that his sentence is excessive.

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. *Hanington*, 148 Idaho at 29, 218 P.3d at 8. 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. 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. Rector has failed to show that the district court abused its discretion. Therefore, the order revoking probation and directing execution of Rector's previously suspended sentence is affirmed.