

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37079

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|------------------------|---|----------------------------------|
| STATE OF IDAHO, |) | 2011 Unpublished Opinion No. 550 |
| |) | |
| Plaintiff-Respondent, |) | Filed: July 19, 2011 |
| |) | |
| v. |) | Stephen W. Kenyon, Clerk |
| |) | |
| ELLIS RUSSELL SKINNER, |) | THIS IS AN UNPUBLISHED |
| |) | OPINION AND SHALL NOT |
| Defendant-Appellant. |) | BE CITED AS AUTHORITY |
| |) | |

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. David C. Nye, District Judge.

Judgment of conviction and consecutive unified sentences of eleven years, with a minimum period of confinement of six years, for aggravated assault and nineteen years, with a minimum period of confinement of seven years, for aggravated battery, including enhancements for being a persistent violator and use of a deadly weapon, affirmed.

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Ellis Russell Skinner was found guilty of aggravated assault, I.C. §§ 18-901, 18-905, and aggravated battery, I.C. §§ 18-903, 18-907. The district court sentenced Skinner to consecutive unified terms of eleven years, with a minimum period of confinement of six years, for aggravated assault and nineteen years, with a minimum period of confinement of seven years, for aggravated battery. Skinner’s sentences were enhanced based upon a finding that Skinner was a persistent violator, I.C. § 19-2514, and that he used a deadly weapon, I.C. § 19-2520. Skinner 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, Skinner's judgment of conviction and sentences are affirmed.