

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37676

STATE OF IDAHO,)	2011 Unpublished Opinion No. 553
)	
Plaintiff-Respondent,)	Filed: July 20, 2011
)	
v.)	Stephen W. Kenyon, Clerk
)	
DARREL STEPHEN SCHWINTOSKY,)	THIS IS AN UNPUBLISHED OPINION
)	AND SHALL NOT BE CITED AS
Defendant-Appellant.)	AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Timothy Hansen, District Judge.

Judgment of conviction and unified sentence of fifteen years, with a minimum period of confinement of three years, for attempted strangulation, affirmed.

Molly J. Huskey, State Appellate Public Defender; Elizabeth Ann Allred, 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; LANSING, Judge;
and GUTIERREZ, Judge

PER CURIAM

Darrel Stephen Schwintosky was found guilty of attempted strangulation. Idaho Code § 18-923. The district court sentenced Schwintosky to a unified term of fifteen years, with a minimum period of confinement of three years. Schwintosky appeals asserting that the district court abused its discretion by imposing an excessive sentence.

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