

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Plaintiff and Appellee,)	
)	Case No. 20051001-CA
v.)	
)	F I L E D
Matthew Jay Hull,)	(July 28, 2006)
)	
Defendant and Appellant.)	2006 UT App 311

Third District, West Jordan Department, 051400273
The Honorable Terry Christiansen

Attorneys: Josie E. Brumfield and Stephen W. Howard, Salt Lake City, for Appellant
Mark L. Shurtleff and Jeanne B. Inouye, Salt Lake City, for Appellee

Before Judges Bench, Billings, and McHugh.

PER CURIAM:

Defendant Matthew Jay Hull appeals the trial court's order sentencing him to serve 185 days in jail consecutive to another misdemeanor sentence Hull was serving at the time. We affirm.

"The imposition of a sentence rests entirely within the discretion of the [trial] court, within the limits prescribed by law." State v. Schweitzer, 943 P.2d 649, 650 (Utah App. 1997) (quotations and citations omitted). "As such, we review the sentencing decisions of a trial court for abuse of discretion." Id. (citation omitted).

Hull argues that the trial court abused its discretion in ordering him to serve consecutive rather than concurrent sentences because the trial court failed to consider all legally relevant factors under Utah Code section 76-3-401. See Utah Code Ann. § 76-3-401 (Supp. 2005). As the State notes, this argument ignores the plain language of section 76-3-401.

Although a trial court's authority to impose concurrent or consecutive sentences is typically governed by section 76-3-401, subsection (11) specifically states that "this section may not be construed to limit the authority of a court to impose consecutive sentences in misdemeanor cases." Id. § 76-3-401(11). In each of the cases at issue, Hull was sentenced for a misdemeanor.

The sentence itself was well within the range permitted by statute for a class A misdemeanor, see id. § 76-3-204(1) (2003) (stating permissible sentence for class A misdemeanor not to exceed one year), and was not otherwise excessive or unfair. Thus, the trial court did not abuse its discretion in sentencing Hull to serve 185 days consecutive to another misdemeanor sentence.

Accordingly, we affirm.

Russell W. Bench,
Presiding Judge

Judith M. Billings, Judge

Carolyn B. McHugh, Judge