

IN THE UTAH COURT OF APPEALS

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State of Utah,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Plaintiff and Appellee,)		
)	Case No. 20070996-CA	
v.)		
)	F I L E D	
George Lemieux,)	(February 20, 2009)	
)		
Defendant and Appellant.)	<table border="1"><tr><td>2009 UT App 47</td></tr></table>	2009 UT App 47
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Fifth District, St. George Department, 071501382
The Honorable James L. Shumate

Attorneys: Margaret P. Lindsay, Spanish Fork, for Appellant
Mark L. Shurtleff and Jeffrey S. Gray, Salt Lake
City, for Appellee

Before Judges Bench, Davis, and McHugh.

PER CURIAM:

George Lemieux appeals his sentence after pleading guilty to several third degree felonies. Lemieux asserts that the trial court abused its discretion in failing to place him on probation and in sentencing him to serve four sentences consecutively. We affirm.

Appellate courts "traditionally afford the trial court wide latitude and discretion in sentencing." State v. Woodland, 945 P.2d 665, 671 (Utah 1997). A trial court's sentencing decision will be reversed only if it is an abuse of the court's discretion. See State v. Helms, 2002 UT 12, ¶ 8, 40 P.3d 626. "A court abuses its discretion in imposing consecutive sentences only if 'no reasonable person would take the view by the sentencing court.'" State v. Thorkelson, 2004 UT App 9, ¶ 12, 84 P.3d 854 (quoting State v. Gerrard, 584 P.2d 885, 887 (Utah 1978)). Furthermore, there is no entitlement or right to probation, but rather, granting probation is "within the complete discretion of the trial court." State v. Rhodes, 818 P.2d 1048, 1049 (Utah Ct. App. 1991).

Lemieux has not shown that the trial court abused its discretion in sentencing him to prison with four consecutive

sentences. The trial court did not abuse its discretion in sentencing Lemieux to prison instead of probation given Lemieux's lengthy criminal history, lack of a permanent address in Utah, and concurrent charges in Nevada from which he absconded. Additionally, the trial court did not abuse its discretion in running four of the sentences consecutively. Lemieux had an extensive criminal history and the current charges involved multiple victims. Given Lemieux's criminal history, background, character, the gravity of the offenses, and multiple victims, the trial court did not go beyond what a reasonable person could view as appropriate in sentencing Lemieux to consecutive terms.

Affirmed.

Russell W. Bench, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge