

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 46505/46506/46507/46508

STATE OF IDAHO, )  
 )  
 ) **Filed: January 23, 2020**  
 )  
 ) **Plaintiff-Respondent,** )  
 ) **Karel A. Lehrman, Clerk**  
 )  
 ) **v.** )  
 ) **THIS IS AN UNPUBLISHED**  
 ) **STEPHEN PATRICK SLATER,** ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 ) **Defendant-Appellant.** )  
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Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. George A. Southworth, District Judge.

Judgments of conviction and unified live sentences with a minimum period of confinement of thirty years, for lewd conduct with a minor under the age of sixteen, and a determinate five-year sentence for delivery of a controlled substance, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Ben P. McGreevy, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jeff D. Nye, Deputy Attorney General, Boise, for respondent.

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Before HUSKEY, Chief Judge; GRATTON, Judge;  
and BRAILSFORD, Judge

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PER CURIAM

This case involves four consolidated appeal cases. In Docket Nos. 46505, 46506, and 46507, Stephen Patrick Slater pleaded guilty to lewd conduct with a minor under the age of sixteen, Idaho Code § 18-1508; the plea in Docket No. 46507 was pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970). For each of these convictions, the district court sentenced Slater to a unified life sentence, with a minimum period of confinement of thirty years. In Docket No. 46508, Slater entered a guilty plea to delivery of a controlled substance, I.C. § 37-2732, and the district court sentenced Slater to a determinate five-year sentence. All sentences were

ordered to run concurrently to each other. Slater filed an Idaho Criminal Rule 35 motion in each case, which the district court denied. Slater 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. *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.

Next, we review whether the district court erred in denying Slater's I.C.R. 35 motions. A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including any new information submitted with Slater's I.C.R. 35 motions, we conclude no abuse of discretion has been shown.

Therefore, Slater's judgments of conviction and sentences, and the district court's orders denying Slater's I.C.R. 35 motions, are affirmed.