

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46630

STATE OF IDAHO, )  
 ) Filed: October 25, 2019  
 Plaintiff-Respondent, )  
 ) Karel A. Lehrman, Clerk  
 v. )  
 ) THIS IS AN UNPUBLISHED  
 LUCAS ANTHONY LLOYD, ) OPINION AND SHALL NOT  
 ) BE CITED AS AUTHORITY  
 Defendant-Appellant. )  
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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Melissa Moody, District Judge.

Judgment of conviction and determinate sentence of five years for felony child custody interference, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Eric D. Fredericksen, State Appellate Public Defender, Boise, for appellant.

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

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

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PER CURIAM

Lucas Anthony Lloyd pleaded guilty to felony child custody interference, Idaho Code § 18-4506. The district court imposed a determinate five-year sentence. Lloyd appeals, contending that his sentence is excessive and that the district court abused its discretion by imposing a sentence for offenses other than the crime for which Lloyd was being sentenced.

An appellate review of a sentence is based on an abuse of discretion standard. *State v. Burdett*, 134 Idaho 271, 276, 1 P.3d 299, 304 (Ct. App. 2000). Where a sentence is not illegal, the appellant has the burden to show that it is unreasonable and, thus, a clear abuse of discretion. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). A sentence may represent such

an abuse of discretion if it is shown to be unreasonable upon the facts of the case. *State v. Nice*, 103 Idaho 89, 90, 645 P.2d 323, 324 (1982). A sentence of confinement is reasonable if it appears at the time of sentencing that confinement is necessary to accomplish the primary objective of protecting society and to achieve any or all of the related goals of deterrence, rehabilitation, or retribution applicable to a given case. *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). Where an appellant contends that the sentencing court imposed an excessively harsh sentence, we conduct an independent review of the record, having regard for the nature of the offense, the character of the offender, and the protection of the public interest. *State v. Reinke*, 103 Idaho 771, 772, 653 P.2d 1183, 1184 (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).

Lloyd argues that the district court did not reach its sentencing decision through an exercise of reason because the district court sentenced Lloyd not for the crime of custodial interference, but instead, on alleged prior criminal conduct related to his daughter. We disagree.

In sentencing Lloyd, the district court articulated:

I am not sentencing you for the crime of rape, and I am not sentencing you for the crime of incest. I am not sentencing you for delivering methamphetamine and marijuana to your minor daughter. But the fact that this is the background of your relationship and why you came to Idaho to get your daughter is something that I can consider, and do consider.

The district court acted within its discretion when it considered a variety of information in determining the danger that Lloyd presented to the community in general and to the victim, specifically. *See State v. Barnes*, 121 Idaho 409, 411, 825 P.2d 506, 508 (Ct. App. 1992) (holding a sentencing court may properly consider a wide range of information in determining the appropriate sentence). The district court considered Lloyd's previous conduct with the victim in this case including allegations of sexual abuse, Lloyd's history of substance abuse and giving the minor victim controlled substances, and the circumstances of the custodial interference charges in this case. The district court correctly recognized that its primary objective was to protect society and stated, "My number-one job is to protect the community. And I look at this entire case, and the only way that I can protect this minor child is to impose the maximum sentence permitted under the law." The district court's imposition of sentence was both reasoned and reasonable in light of the circumstances of this case. Thus, the district court

did not abuse its discretion in imposing sentence. Lloyd's judgment of conviction and sentence are affirmed.