

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46898

STATE OF IDAHO, )  
 ) Filed: January 3, 2020  
 Plaintiff-Respondent, )  
 ) Karel A. Lehrman, Clerk  
 v. )  
 ) THIS IS AN UNPUBLISHED  
 PAUL MICHAEL GYDAS, ) OPINION AND SHALL NOT  
 ) BE CITED AS AUTHORITY  
 Defendant-Appellant. )  
 )  
 \_\_\_\_\_ )

Appeal from the District Court of the Third Judicial District, State of Idaho, Owyhee County. Hon. Thomas W. Whitney, District Judge.

Judgment of conviction and unified sentence of five years, with a minimum period of confinement of two years, for video voyeurism, affirmed; order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; John C. McKinney, Deputy Attorney General, Boise, for respondent.

\_\_\_\_\_  
Before HUSKEY, Chief Judge; LORELLO, Judge;  
and BRAILSFORD, Judge  
\_\_\_\_\_

PER CURIAM

Paul Michael Gydas pled guilty to video voyeurism. I.C. § 18-6609(2)(a). In exchange for his guilty plea, additional charges were dismissed. The district court sentenced Gydas to a unified term of five years, with a minimum period of confinement of two years. Gydas filed an I.C.R. 35 motion, which the district court denied. Gydas appeals, arguing that his sentence is

excessive and that the district court erred in denying his Rule 35 motion for reduction of sentence.<sup>1</sup>

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 Gydas's Rule 35 motion. A motion for reduction of sentence under Rule 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 Gydas's Rule 35 motion, we conclude no abuse of discretion has been shown.

Therefore, Gydas's judgment of conviction and sentence, and the district court's order denying Gydas's Rule 35 motion, are affirmed.

---

<sup>1</sup> Gydas also pled guilty to and was sentenced for two counts of misdemeanor battery. However, he does not challenge those judgments of conviction and sentences on appeal.