

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 47141 & 47142

STATE OF IDAHO,)	
)	Filed: June 12, 2020
Plaintiff-Respondent,)	
)	Melanie Gagnepain, Clerk
v.)	
)	THIS IS AN UNPUBLISHED
MIRIAH LEANN VANLITH,)	OPINION AND SHALL NOT
)	BE CITED AS AUTHORITY
Defendant-Appellant.)	
_____)	

Appeal from the District Court of the Third Judicial District, State of Idaho, Adams County. Hon. Christopher S. Nye, District Judge.

Judgments of convictions and orders denying Idaho Criminal Rule 35 motions, affirmed.

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

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

In Docket No. 47141, Miriah Leann Vanlith pleaded guilty to rape, Idaho Code § 18-6101(2), and distribution of controlled substance, I.C. § 37-2737(F). In Docket No. 47142, Vanlith pleaded guilty to rape, I.C. § 18-6101(2), and enticement of a child through the use of the Internet, I.C. § 18-1509(A). For each count of rape, the district court imposed a unified twenty-year sentence, with a minimum period of confinement of ten years. For distribution of a controlled substance, the court imposed a five-year sentence, with a minimum period of confinement of one year, and for enticement of a child through the use of the Internet, the district court imposed an eleven-year sentence, with a minimum period of confinement of one year. The

sentences were ordered to run concurrently. Vanlith filed an Idaho Criminal Rule 35 motion in each case, which the district court denied. Vanlith 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 records in this case, we cannot say that the district court abused its discretion.

Next, we review whether the district court erred in denying Vanlith's Rule 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 Vanlith's Rule 35 motions, we conclude no abuse of discretion has been shown.

Therefore, Vanlith's judgments of conviction and sentences, and the district court's orders denying Vanlith's Rule 35 motions, are affirmed.