

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 47205 & 47206

STATE OF IDAHO, )  
 ) **Filed: June 8, 2020**  
 ) **Plaintiff-Respondent,** )  
 ) **Melanie Gagnepain, Clerk**  
 v. )  
 ) **THIS IS AN UNPUBLISHED**  
 ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 ) **SHAE JAMES ROLFE,** )  
 ) **Defendant-Appellant.** )  
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Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Dane H. Watkins, Jr., District Judge.

Judgments of conviction and concurrent unified sentences of ten years, with a minimum period of confinement of two years, and twelve years, with a minimum period of confinement, for two counts of sexual exploitation of a child, affirmed; orders denying I.C.R. 35 motions for reduction of sentences, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

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

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

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PER CURIAM

In these consolidated appeals, Shae James Rolfe pled guilty to two counts of sexual exploitation of a child. I.C. §§ 18-1507(3) and 18-1507(2)(b). In exchange for his guilty pleas, additional charges were dismissed. The district court sentenced Rolfe to concurrent unified terms of ten years, with a minimum period of confinement of two years, and twelve years, with a minimum period of confinement of two years. Rolfe filed I.C.R. 35 motions for reduction of his

sentences, which the district court denied. Rolfe appeals, arguing that his sentences are excessive and that the district court erred in denying his Rule 35 motions.

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 and need not be repeated here. *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 Rolfe's Rule 35 motions. 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 Rolfe's Rule 35 motions, we conclude no abuse of discretion has been shown.

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