

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 47329/47381/47382/47383

STATE OF IDAHO,)
) Filed: June 25, 2020
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
GERALD TROY ALDOUS,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Rick Carnaroli, District Judge.

Judgment of conviction and unified sentence of ten years, with a minimum period of confinement of four years, for driving under the influence, affirmed; orders denying I.C.R. 35 motions for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kimberly A. Coster, 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 BRAILSFORD, Judge

PER CURIAM

In Docket No. 47381 Gerald Troy Aldous pled guilty to driving under the influence. Idaho Code §§ 18-8004, 18-8005(5). The district court sentenced Aldous to a unified term of five years with two years determinate, suspended the sentence and placed Aldous on probation for five years. In Docket No. 47382 Aldous pled guilty to criminal possession of a financial transaction card, I.C. § 18-3125. The district court sentenced Aldous to a unified term of five years with two years determinate. Subsequently, Aldous was found to have violated the terms of his probation in Docket No. 47381 and the district court revoked Aldous’ probation and executed

the underlying sentence of five years, with two years determinate and retained jurisdiction. Two days later, the district court readmitted Aldous to probation in both cases, with the stipulation that he complete inpatient treatment.

In Docket No. 47383 Aldous pled guilty to driving under the influence, I.C. §§ 18-8004, 18-8005(9). The district court sentenced Aldous to a unified term of seven years with three years determinate, and then suspended the sentence and placed him on probation for a period of four years.

In Docket No. 47329 Aldous pled guilty to driving under the influence, I.C. § 18-8004. The district court sentenced Aldous to a unified term of ten years with four years determinate, ordered that sentence executed, and then revoked probation in Docket Nos. 47381, 47382, and 47383. Aldous filed an Idaho Criminal Rule 35 motion in all four docket numbers, which the district court denied. Aldous appeals asserting that the district court abused its discretion by imposing excessive sentence in Docket No. 47329 and by denying the four 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. *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 Aldous'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 Aldous's Rule 35 motions, we conclude no abuse of discretion has been shown.

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