

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48009

STATE OF IDAHO,)
)
) **Filed: February 17, 2021**
)
) **Plaintiff-Respondent,**)
) **Melanie Gagnepain, Clerk**
)
) **v.**)
) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
)
) **DAKOTA MATTHEW CROCKFORD,**)
)
) **Defendant-Appellant.**)
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Steven J. Hippler, District Judge.

Order relinquishing jurisdiction, affirmed; order denying I.C.R. 35(b) motion for reduction of sentence, affirmed; and 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; Andrew V. Wake, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Dakota Matthew Crockford pled guilty to aggravated assault and second degree stalking. Idaho Code §§ 18-901(b), 18-905(a), 18-7906. The district court sentenced Crockford to a unified term of five years with three years determinate on the aggravated assault charge and 180 days on the second degree stalking charge, and retained jurisdiction. The district court subsequently relinquished jurisdiction. Three months later, Crockford filed an Idaho Criminal Rule 35(b) motion for reduction of sentence, which the district court denied. Crockford appeals, claiming that the district court erred by relinquishing jurisdiction, by denying the Rule 35 motion, and by imposing an excessive sentence.

We note that the decision to place a defendant on probation or whether, instead, to relinquish jurisdiction over the defendant is a matter within the sound discretion of the district court and will not be overturned on appeal absent an abuse of that discretion. *State v. Hood*, 102 Idaho 711, 712, 639 P.2d 9, 10 (1981); *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 594, 596-97 (Ct. App. 1990). The record in this case shows that the district court properly considered the information before it and determined that probation was not appropriate. We hold that Crockford has failed to show that the district court abused its discretion in relinquishing jurisdiction.

Crockford also contends that the district court abused its discretion by denying his Rule 35(b) motion. 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 Crockford's Rule 35 motion, we conclude no abuse of discretion has been shown.

Crockford further contends that his sentence is excessive and constitutes an abuse of discretion. Sentences are reviewed for an abuse of discretion. Our appellate standard of review and the factors to be considered when evaluating the reasonableness of a sentence are well-established. *State v. Burdett*, 134 Idaho 271, 1 P.3d 299 (Ct. App. 2000); *State v. Sanchez*, 115 Idaho 776, 769 P.2d 1148 (Ct. App. 1989); *State v. Reinke*, 103 Idaho 771, 653 P.2d 1183 (Ct. App. 1982); *State v. Toohill*, 103 Idaho 565, 650 P.2d 707 (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.

The order of the district court relinquishing jurisdiction, the order denying Crockford's Rule 35(b) motion, and Crockford's sentence are affirmed.