

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48112

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: September 14, 2021**
)
 v.) **Melanie Gagnepain, Clerk**
)
 TONYA LAREA TAYLOR,) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. Rosemary Emory, District Judge.

Judgment of conviction and unified sentence of eight years, with a minimum period of confinement of four years, for felony injury to child, 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; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

Tonya Larea Taylor pled guilty to felony injury to a child, Idaho Code § 18-1501(1). In exchange for her guilty plea, additional charges were dismissed. The district court imposed a unified sentence of eight years, with four years determinate, and retained jurisdiction. Taylor filed an Idaho Criminal Rule 35 motion, which the district court denied. Taylor completed the period of retained jurisdiction, and the district court placed Taylor on probation. Taylor appeals arguing that her sentence is excessive and that the district court erred by denying her Rule 35 motion.

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). Our role is limited to determining whether reasonable minds could reach the same conclusion as the district court. *State v. Biggs*, 168 Idaho 112, 116, 480 P.3d 150, 154 (Ct. App. 2020). 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 Taylor'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 Taylor's Rule 35 motion, we conclude no abuse of discretion has been shown.

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