

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48208

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: March 8, 2021**
)
 v.) **Melanie Gagnepain, Clerk**
)
 AARON JEFFERY SCOTT,) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
)

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

Judgment of conviction and sentence and order denying Idaho Criminal Rule 35 motion, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Emily M. Joyce, 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

Aaron Jeffery Scott pleaded guilty to felony domestic violence or battery, Idaho Code §§ 18-918(2), -903(a), and misdemeanor violation of no contact order, I.C. § 18-920. In exchange for his guilty plea, additional charges were dismissed. The district court sentenced Scott to a unified sentence of seven years, with two years determinate, for domestic violence or battery. The district court sentenced Scott to 107 days of jail, with credit for time served, for violation of no contact order. Scott filed an Idaho Criminal Rule 35 motion, which the district court denied. Scott appeals and asserts the district court abused its discretion by imposing an excessive sentence for domestic violence or battery and by denying his I.C.R. 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). 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 Scott's I.C.R. 35 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 an I.C.R. 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 Scott's I.C.R. 35 motion, we conclude no abuse of discretion has been shown.

Therefore, Scott's judgment of conviction and sentence, and the district court's order denying Scott's I.C.R. 35 motion, are affirmed.