

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48261

STATE OF IDAHO,	)
	) <b>Filed: July 21, 2021</b>
<b>Plaintiff-Respondent,</b>	)
	) <b>Melanie Gagnepain, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
<b>KALI DEONE BECK,</b>	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
<b>Defendant-Appellant.</b>	)
_____	)

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

Order granting I.C.R. 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jacob L. Westerfield, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

\_\_\_\_\_  
 Before HUSKEY, Chief Judge; GRATTON, Judge;  
 and BRAILSFORD, Judge  
 \_\_\_\_\_

PER CURIAM

Kali Deone Beck pled guilty to operating a vehicle without the owner’s consent, Idaho Code § 49-227. The district court imposed a unified sentence of five years with two years determinate, suspended the sentence, and placed Beck on probation. It was later determined that Beck violated probation and the district court executed the original sentence. Beck filed an Idaho Criminal Rule 35 motion requesting that the district court “commute her previously imposed sentence in the amount of 172 days, consistent with the time she was in custody” on another case. The district court granted Beck’s Rule 35 motion and commuted 172 days from the sentence in this case. On appeal, Beck is mindful that she was granted the sentence reduction

that she requested, but asserts that the district court did not exercise reason and abused its discretion by not further reducing her sentence.

Initially, we note that a trial court's decision to grant or deny a Rule 35 motion will not be disturbed in the absence of an abuse of discretion. *State v. Villarreal*, 126 Idaho 277, 281, 882 P.2d 444, 448 (Ct. App. 1994). 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, 822 P.2d 1011 (Ct. App. 1991); *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). Since the district court later modified Beck's sentence, pursuant to her Rule 35 motion, we will only review Beck's modified sentence for an abuse of discretion. *See State v. McGonigal*, 122 Idaho 939, 940-41, 842 P.2d 275, 276-77 (1992).

Beck has the burden of showing a clear abuse of discretion on the part of the district court in failing to further reduce the sentence on Beck's Rule 35 motion. *See State v. Cotton*, 100 Idaho 573, 577, 602 P.2d 71, 75 (1979). Beck has failed to show such an abuse of discretion. Accordingly, the order of the district court granting Beck's Rule 35 motion is affirmed.