

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48415

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: November 23, 2021**
)
 v.) **Melanie Gagnepain, Clerk**
) **THIS IS AN UNPUBLISHED**
 JOSE VALENTINO ALVAREZ,) **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. James S. Cawthon, District Judge.

Judgment of conviction and sentences for two counts of felony intimidating, impeding, influencing, or preventing the attendance of a witness, two counts of misdemeanor violation of a no contact order, and one count of battery, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jacob L. Westerfield, 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

Jose Valentino Alvarez pleaded guilty to two counts of felony intimidating, impeding, influencing, or preventing the attendance of a witness, Idaho Code § 18-2604, two counts of misdemeanor violation of a no contact order, I.C. § 18-920, and one count of battery I.C. § 18-903(a). In exchange for his guilty pleas, additional charges were dismissed. For the two felony charges, the district court imposed a four-year determinate sentence and a five-year indeterminate sentence to run consecutively. For the misdemeanor charges, the district court ordered credit for jail time served. Alvarez filed an Idaho Criminal Rule 35 motion, which the district court denied. Alvarez appeals.

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 Alvarez'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 Alvarez's I.C.R. 35 motion, we conclude no abuse of discretion has been shown.

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