

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 48621/48622/48623/48624/48625/48626

STATE OF IDAHO,)
) Filed: February 17, 2022
 Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
 v.)
) THIS IS AN UNPUBLISHED
 JENNIFER REBECCA NARVAIZ,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
 Defendant-Appellant.)
)
 _____)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Cynthia K.C. Meyer, District Judge.

Judgment of conviction and aggregate unified sentence of ten years with six years determinate for two counts of possession of a controlled substance, one count of possession of a stolen financial transaction card, and four counts of burglary, affirmed; orders denying Idaho Criminal Rule 35 motions 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; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

These cases are consolidated for appeal. In 2018, Jennifer Rebecca Narvaiz pled guilty to one count of possession of a controlled substance, Idaho Code § 37-2732(c)(1) (Docket No. 48621); one count of possession of a controlled substance, I.C. § 37-2732(c)(1) (Docket No. 48622); and one count of criminal possession of a financial transaction card, I.C. § 18-3125 (Docket No. 48623). In 2019, Narvaiz pled guilty to a count of possession of a controlled substance, I.C. § 37-2732(c)(1), in both Docket Nos. 48624 and 48625. The district court

imposed unified sentences of five years with two years determinate in Docket Nos. 48621, 48622, 48623, 48624, and 48625. The district court ordered the sentences in Docket Nos. 48621, 48622, and 48623 to run concurrently with each other but consecutive to the sentences in Docket Nos. 48624 and 48625 and ordered a period of retained jurisdiction. Upon Narvaiz's completion of retained jurisdiction, the district court placed her on probation. In 2020, Narvaiz admitted to violating her probation and pled guilty to two counts of possession of a controlled substance, I.C. § 37-2732(c)(1); one count of possession of a stolen financial transaction card, I.C. §§ 18-2403(4), 18-2407(1)(b)(3); and four counts of burglary, I.C. § 18-1401. The district court revoked probation in Narvaiz's first five cases and imposed an aggregate term of ten years with six years determinate in Docket No. 48626, to run consecutive to the sentences in the first five cases. Narvaiz filed Idaho Criminal Rule 35 motions in all six cases, which the district court denied. Narvaiz appeals, arguing that the district court abused its discretion by imposing an excessive sentence in Docket No. 48626 and by denying her Rule 35 motions in each of her cases.

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 Narvaiz's Rule 35 motions. 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 Narvaiz's Rule 35 motions, we conclude no abuse of discretion has been shown.

Therefore, Narvaiz's judgment of conviction and sentence in Docket No. 48626, and the district court's orders denying Narvaiz's Rule 35 motions in each of her cases, are affirmed.