

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48689

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 DILLON WAYNE MATHEWS,)
)
 Defendant-Appellant.)
)
)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Darren B. Simpson, District Judge.

Judgment of conviction and unified sentence of fifteen years, with a minimum period of confinement of five years, for attempted strangulation and concurrent unified sentence of five years, with a minimum period of confinement of four years, for battery on a peace officer, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

Before GRATTON, Judge; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

Dillon Wayne Mathews pled guilty to attempted strangulation, I.C. § 18-923, and battery on a peace officer, I.C. § 18-915(3)F. In exchange for his guilty pleas, additional charges were dismissed. The district court sentenced Mathews to a unified term of fifteen years, with a minimum period of confinement of five years, for attempted strangulation and a concurrent unified term of five years, with a minimum period of confinement of four years, for battery on a peace officer. The district court ordered that these sentences be served consecutive to an unrelated sentence.

Mathews filed an I.C.R. 35 motion, which the district court denied. Mathews appeals, arguing that his sentences are excessive and that the district court erred in denying his Rule 35 motion for reduction of his sentences.

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 Mathews' 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 Mathews' Rule 35 motion, we conclude no abuse of discretion has been shown.

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