

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48768

STATE OF IDAHO,	)
	) <b>Filed: April 15, 2022</b>
Plaintiff-Respondent,	)
	) <b>Melanie Gagnepain, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
LAURIE ANN OGDEN,	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
Defendant-Appellant.	)
_____	)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Robert C. Naftz, District Judge.

Order granting Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kiley A. Heffner, Deputy Appellate Public Defender, Boise, for appellant.

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

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

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PER CURIAM

Laurie Ann Ogden pled guilty to felony burglary, Idaho Code § 18-1401. The district court imposed a unified sentence of five years with two years determinate, suspended the sentence, and placed Ogden on probation. Subsequently, Ogden admitted to violating the terms of her probation. The district court revoked probation, imposed the underlying sentence, and granted eleven months of credit for time served. Ogden filed an Idaho Criminal Rule 35 motion for reduction of her sentence and requested a period of retained jurisdiction. The district court reduced the indeterminate portion of Ogden’s sentence from three years to two years but

declined to grant retained jurisdiction. Ogden appeals, contending the district court abused its discretion in declining to further reduce 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). 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). Since the district court later modified Ogden's sentence, pursuant to her Rule 35 motion, we will only review her modified sentence for an abuse of discretion. *See State v. McGonigal*, 122 Idaho 939, 940-41, 842 P.2d 275, 276-77 (1992).

Ogden 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 her Rule 35 motion. *See State v. Cotton*, 100 Idaho 573, 577, 602 P.2d 71, 75 (1979). Ogden has failed to show such an abuse of discretion. Accordingly, the order of the district court granting Ogden's Rule 35 motion is affirmed.