

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49170

STATE OF IDAHO,)
) Filed: June 3, 2024
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
JAVIER FRANCO FERRER,) 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. Patrick J. Miller, District Judge.

Judgment of conviction and unified sentence of thirty years, with a minimum period of confinement of twenty years, for lewd conduct with a minor under sixteen years and concurrent, unified sentence of twenty-five years, with a minimum period of confinement of twenty years, for sexual abuse of a child under sixteen years, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Andrea W. Reynolds, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Javier Franco Ferrer was found guilty of lewd conduct with a minor under sixteen years, I.C. § 18-1508, and sexual abuse of a child under sixteen years, I.C. § 18-1506. The district court sentenced Ferrer to a unified term of thirty years, with a minimum period of confinement of twenty years, for lewd conduct with a minor and a concurrent, unified term of twenty-five years, with a minimum period of confinement of twenty years, for sexual abuse of a minor. Ferrer filed an

I.C.R. 35 motion, which the district court denied. Ferrer appeals, arguing that his sentences are excessive.

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 and need not be repeated here. *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.

Therefore, Ferrer's judgment of conviction and sentences are affirmed.