

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49218

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: August 8, 2022**
)
 v.) **Melanie Gagnepain, Clerk**
)
 GREGGORY MARK COLLARD,) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 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 sentence and order denying Idaho Criminal Rule 35 motion, 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 GRATTON, Judge; HUSKEY, Judge;
and BRAILSFORD, Judge

PER CURIAM

Greggory Mark Collard pled guilty to rape, Idaho Code § 18-6101. In exchange for his guilty plea, additional charges were dismissed. The district court imposed a unified sentence of twenty-two years, with a minimum period of incarceration of seven years, and retained jurisdiction. Collard filed an Idaho Criminal Rule 35 motion, which the district court denied. Collard 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.¹

Next, we review whether the district court erred in denying Collard's 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 Collard's Rule 35 motion, we conclude no abuse of discretion has been shown.

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

¹ Although Collard argues the district court erred when it declined to place him on probation, following the period of retained jurisdiction, Collard was placed on probation, rendering this specific argument moot.