

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49287

STATE OF IDAHO,	)
	) <b>Filed: September 21, 2022</b>
Plaintiff-Respondent,	)
	) <b>Melanie Gagnepain, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
ROBERT CALVIN SCHAEFFER,	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
Defendant-Appellant.	)
_____	)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Valley County. Hon. Jason D. Scott, District Judge.

Judgment of conviction and concurrent, unified life sentences, with minimum periods of confinement of fifteen years, for two counts of lewd conduct with a minor under sixteen and being a persistent violator, affirmed; order denying I.C.R. 35 motion for reduction of sentences, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Elizabeth A. Allred, 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; HUSKEY, Judge;  
and BRAILSFORD, Judge

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PER CURIAM

Robert Calvin Schaeffer was found guilty of two counts of lewd conduct with a minor under sixteen. I.C. § 18-1508. Schaeffer then admitted to being a persistent violator. I.C. § 19-2514. The district court sentenced Schaeffer to concurrent, unified life terms, with minimum periods of confinement of fifteen years. Schaeffer filed an I.C.R. 35 motion, which the district court denied. Schaeffer 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 Schaeffer'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 Schaeffer's Rule 35 motion, we conclude no abuse of discretion has been shown.

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