IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49577

STATE OF IDAHO,)
) Filed: January 11, 2023
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
AMY ELIZABETH ALLEN,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Teton County. Hon. Steven Boyce, District Judge.

Judgment of conviction and suspended, unified sentence of seven years with two years determinate for grand theft, <u>affirmed</u>.

Eric D. Fredericksen, State Appellate Public Defender; Kimberly A. Coster, Deputy Appellate Public Defender, Boise, for appellant.

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

Before LORELLO, Chief Judge; GRATTON, Judge;

and BRAILSFORD, Judge

PER CURIAM

Amy Elizabeth Allen pled guilty to grand theft, Idaho Code § 18-2403(1). The district court imposed a unified sentence of seven years with two years determinate, suspended the sentence, and placed Allen on probation. The district court also ordered Allen to serve thirty days in jail and pay restitution. Allen filed an Idaho Criminal Rule 35 motion for reduction of her sentence. The district court amended Allen's jail sentence, allowing her to serve two, fifteen-day increments. Allen appeals, contending the district court abused its discretion in declining her request for a withheld judgment and in imposing an excessive sentence.

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).

After a defendant has been convicted of a crime, a district court may, in its discretion, withhold judgment. I.C. § 19-2601(3); *State v. Trejo*,132 Idaho 872, 880, 979 P.2d 1230, 1238 (Ct. App. 1999). Refusal to grant a withheld judgment will not be deemed an abuse of discretion if the trial court has sufficient information to determine that a withheld judgment would be inappropriate. *State v. Edghill*, 134 Idaho 218, 219, 999 P.2d 255, 256 (Ct. App. 2000); *State v. Geier*, 109 Idaho 963, 965, 712 P.2d 664, 666 (Ct. App. 1985).

Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion. Therefore, Allen's judgment of conviction and sentence are affirmed.