

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49925

STATE OF IDAHO,)
) Filed: April 12, 2023
 Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
 v.)
) THIS IS AN UNPUBLISHED
 PATRICK CODY ERNEST HOLLAND,) 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. Darla S. Williamson; Hon. Nancy A. Baskin, District Judges.

Judgment of conviction and concurrent, unified sentences of twenty years with ten years determinate for trafficking in heroin and seven years determinate for possession of methamphetamine, affirmed; order denying Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Elizabeth A. Allred, 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

Patrick Cody Ernest Holland was found guilty of trafficking in heroin, Idaho Code § 37-2732B(a)(6)(B); possession of methamphetamine, I.C. § 37-2732(c); misdemeanor possession of paraphernalia, I.C. § 37-2734A; and misdemeanor possession of marijuana, I.C. § 37-2732(c). A persistent violator enhancement was dismissed. The district court imposed concurrent, unified sentences of twenty years with ten years determinate for trafficking in heroin, seven years

determinate for possession of methamphetamine,¹ and credit for time served for each of the misdemeanors. Holland filed an Idaho Criminal Rule 35 motion, which the district court denied. Holland 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.

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

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

¹ Holland's opening brief and the State's response brief both state that the district court sentenced Holland to "seven years, with no fixed portion" for felony possession of methamphetamine. The judgment of conviction, however, states that "the defendant shall serve a minimum fixed period of custody of seven (7) years followed by an indeterminate period of custody of up to zero (0) years." Likewise, the court during the sentencing hearing stated that this sentence was for "seven years fixed."