

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52731

STATE OF IDAHO,)
)
) **Filed: March 23, 2026**
)
) **Plaintiff-Respondent,**)
) **Melanie Gagnepain, Clerk**
)
) **v.**)
) **THIS IS AN UNPUBLISHED**
) **GREGORIO AYON ANDRADE,**) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **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 unified sentence of thirty years, with a minimum period of confinement of eighteen years, for sexual battery of a minor child sixteen or seventeen years of age, affirmed; order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Abigael E. Schulz, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

1 Gregorio Ayon Andrade pled guilty to sexual battery of a minor child sixteen or seventeen
2 years of age (Idaho Code § 18-1508A). The district court sentenced Andrade to a unified term of
3 thirty years, with a minimum period of confinement of eighteen years. Andrade filed an Idaho
4 Criminal Rule 35 motion, which the district court denied. Andrade appeals, arguing that his
5 sentence is excessive and that the district court erred in denying his Rule 35 motion for reduction
6 of sentence.

1 Sentencing is a matter for the trial court’s discretion. Both our standard of review and the
2 factors to be considered in evaluating the reasonableness of the sentence are well established. *See*
3 *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v.*
4 *Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho
5 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we
6 consider the defendant’s entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391
7 (2007). Our role is limited to determining whether reasonable minds could reach the same
8 conclusion as the district court. *State v. Biggs*, 168 Idaho 112, 116, 480 P.3d 150, 154 (Ct. App.
9 2020). Applying these standards, and having reviewed the record in this case, we cannot say that
10 the district court abused its discretion.

11 Next, we review whether the district court erred in denying Andrade’s Rule 35 motion. A
12 motion for reduction of sentence under Rule 35 is essentially a plea for leniency, addressed to the
13 sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State*
14 *v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion,
15 the defendant must show that the sentence is excessive in light of new or additional information
16 subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho
17 201, 203, 159 P.3d 838, 840 (2007). Upon review of the record, including any new or additional
18 information submitted with Andrade’s Rule 35 motion, we conclude no abuse of discretion has
19 been shown.

20 Therefore, Andrade’s judgment of conviction and sentence, and the district court’s order
21 denying Andrade’s Rule 35 motion, are affirmed.

22