## IN THE COURT OF APPEALS OF THE STATE OF IDAHO

## **Docket No. 46833**

STATE OF IDAHO,	)
	) Filed: January 8, 2020
Plaintiff-Respondent,	)
	) Karel A. Lehrman, Clerk
V.	)
	) THIS IS AN UNPUBLISHED
BRUCE EDWARD LAWLOR,	) OPINION AND SHALL NOT
	) <b>BE CITED AS AUTHORITY</b>
Defendant-Appellant.	)
	)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Madison County. Hon. Jon J. Shindurling, District Judge.

Order granting Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Sally J. Cooley, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

## PER CURIAM

Bruce Edward Lawlor pled guilty to one count of possession of methamphetamine, Idaho Code § 37-2732(c)(1). The district court imposed a unified sentence of seven years with two years determinate. Lawlor filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court granted in part, reducing Lawlor's sentence to seven years indeterminate. Lawlor appeals, contending the district court abused its discretion in declining to further reduce his sentence.

Initially, we note that a lower court's decision to grant or deny a Rule 35 motion will not be disturbed in the absence of an abuse of discretion. *State v. Villarreal*, 126 Idaho 277, 281,

882 P.2d 444, 448 (Ct. App. 1994). 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, 822 P.2d 1011 (Ct. App. 1991); *State v. Toohill*, 103 Idaho 565, 650 P.2d 707 (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). Since the district court later modified Lawlor's sentence, pursuant to his Rule 35 motion, we will only review Lawlor's modified sentence for an abuse of discretion. *See State v. McGonigal*, 122 Idaho 939, 940-41, 842 P.2d 275, 276-77 (1992).

Lawlor has the burden of showing a clear abuse of discretion on the part of the district court in failing to further reduce the sentence on his Rule 35 motion. *See State v. Cotton*, 100 Idaho 573, 577, 602 P.2d 71, 75 (1979). Lawlor has failed to show such an abuse of discretion. Accordingly, the order of the district court granting his Rule 35 motion is affirmed.