

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37747

STATE OF IDAHO,)	2011 Unpublished Opinion No. 483
)	
Plaintiff-Respondent,)	Filed: May 19, 2011
)	
v.)	Stephen W. Kenyon, Clerk
)	
SANDRA JANE FREDRICKSON,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Madison County. Hon. Gregory W. Moeller, District Judge.

Judgment of conviction and unified sentence of five years, with a minimum period of confinement of two years, for possession of a financial transaction card and concurrent unified term of seven years, with a minimum period of confinement of two years, for forgery, affirmed; order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before LANSING, Judge; GUTIERREZ, Judge;
and MELANSON, Judge

PER CURIAM

Sandra Jane Fredrickson pled guilty to possession of a financial transaction card, I.C. § 18-3125(2)(3)(4), and forgery, I.C. § 18-3601. In exchange for her guilty pleas, the state agreed not to pursue an allegation that Fredrickson was a persistent violator. The district court sentenced Fredrickson to a unified term of five years, with a minimum period of confinement of two years, for possession of a financial transaction card and a concurrent unified term of seven years, with a minimum period of confinement of two years, for forgery. The district court also imposed fines of \$2,750, court costs of \$101, \$150 to the victim’s relief fund, and \$500 in

reimbursement for the public defender. Fredrickson filed an I.C.R 35 motion, which the district court denied. Fredrickson 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). 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 Fredrickson's Rule 35 motion. A motion for reduction of sentence under I.C.R. 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). In conducting our review of the grant or denial of a Rule 35 motion, we consider the entire record and apply the same criteria used for determining the reasonableness of the original sentence. *State v. Forde*, 113 Idaho 21, 22, 740 P.2d 63, 64 (Ct. App. 1987); *Lopez*, 106 Idaho at 449-51, 680 P.2d at 871-73. Upon review of the record, we conclude no abuse of discretion has been shown.

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