IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 53112

STATE OF IDAHO,	)	
	)	**Filed: November 17, 2026**
Plaintiff-Respondent,	)	
	)	**Melanie Gagnepain, Clerk**
v.	)	
	)	**THIS IS AN UNPUBLISHED**
SERGEY YURYEVICH TIMOFEYEV, aka SERGEY Y. TIMOFEYEV,	)	**OPINION AND SHALL NOT BE CITED AS AUTHORITY**
	)	
Defendant-Appellant.	)	
	)	

Appeal from the District Court of the First Judicial District, State of Idaho, Shoshone County. Hon. Barbara Duggan, District Judge.

Judgment of conviction and unified sentence of five years, with a minimum period of confinement of one year, for grand theft, affirmed; order relinquishing jurisdiction, affirmed; and order denying Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Kiley A. Heffner, 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; FLEMING, Judge
and PETTY, Judge

PER CURIAM

Sergey Yuryevich Timofeyev pled guilty to grand theft. Idaho Code § 18-2407(1)(b)(1). The district court sentenced Timofeyev to a unified sentence of five years, with a minimum period of confinement of one year. The district court imposed the sentence and retained jurisdiction. During the period of retained jurisdiction, the district court received a recommendation from the Idaho Department of Correction to relinquish jurisdiction. Following a retained jurisdiction hearing, the district court relinquished jurisdiction. Timofeyev filed an I.C.R. 35 motion, which

the district court denied. Timofeyev appeals, arguing that his sentence is excessive, and that the district court erred by refusing to grant probation and by denying his I.C.R. 35 motion.

First, Timofeyev argues that all of the relevant goals of sentencing could have been accomplished with probation. 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 in sentencing.

Second, Timofeyev argues that the district court abused its discretion when it relinquished jurisdiction. The decision to place a defendant on probation or whether, instead, to relinquish jurisdiction over the defendant is a matter within the sound discretion of the district court and will not be overturned on appeal absent an abuse of that discretion. *State v. Hood*, 102 Idaho 711, 712, 639 P.2d 9, 10 (1981); *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 594, 596-97 (Ct. App. 1990). The record in this case shows that the district court properly considered the information before it and determined that probation was not appropriate. We hold that Timofeyev has failed to show that the district court abused its discretion in relinquishing jurisdiction.

Finally, we review whether the district court erred in denying Timofeyev's I.C.R. 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 an I.C.R. 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 Timofeyev's I.C.R. 35 motion, we conclude no abuse of discretion has been shown.

Therefore, Timofeyev's judgment of conviction and sentence, the district court's order relinquishing jurisdiction, and order denying Timofeyev's I.C.R. 35 motion are affirmed.