

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

VERMONT SUPREME COURT
FILED IN CLERK'S OFFICE

SUPREME COURT DOCKET NO. 2009-298

APR 1 2010

MARCH TERM, 2010

State of Vermont

v.

Guillermo Vargas

} APPEALED FROM:
}
} District Court of Vermont,
} Unit No. 2, Bennington Circuit
}
} DOCKET NO. 664-7-06 Bncr
}
} Trial Judge: David A. Howard

In the above-entitled cause, the Clerk will enter:

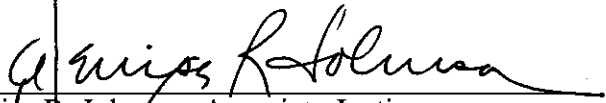
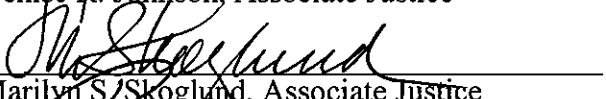
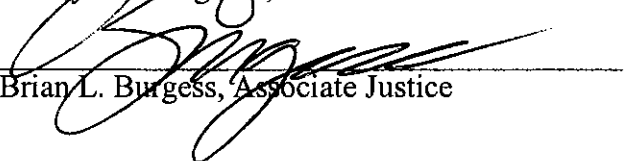
Defendant appeals from the district court's denial of his motion for sentence reconsideration. We affirm.

Defendant was convicted by a jury of lewd and lascivious conduct and sentenced to serve thirty-to-forty months in jail. This Court affirmed the conviction in March 2009. See State v. Vargas, 2009 VT 31, 971 A.2d 665 (mem.). Following this Court's affirmance of the conviction, the district court considered and denied defendant's motion for sentence reconsideration.

On appeal, defendant argues that, in denying his motion, the district court abused its discretion by concluding that the letters he offered in support of his motion offered "nothing special" in regard to its decision. Defendant implies that the court did not consider the proffered letters in reaching its decision, but the record belies that implication. Defendant submitted four letters by family members attesting to his good character and innocence. The court stated that while it had no doubt as to the sincerity of the letters, the expressions of defendant's good character and the assertions of his innocence by family members did not warrant a change of sentence, particularly in light of defendant's conviction and this Court's affirmance of that conviction. We find no basis to overturn the district court's denial of defendant's motion. See State v. King, 2007 VT 124, ¶ 6, 183 Vt. 539, 944 A.2d 224 (mem.) (noting that district court has wide discretion in considering motion for sentence reconsideration, and that this Court reviews denial of such motions for abuse of discretion).

Affirmed.

BY THE COURT:


Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice

Brian L. Burgess, Associate Justice