

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41119

STATE OF IDAHO,)	2014 Unpublished Opinion No. 396
)	
Plaintiff-Respondent,)	Filed: February 25, 2014
)	
v.)	Stephen W. Kenyon, Clerk
)	
JOSEF JAMES LEE SENESAC,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the First Judicial District, State of Idaho, Bonner County. Hon. Barbara A. Buchanan, District Judge.

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

Sara B. Thomas, State Appellate Public Defender; Ben P. McGreevy, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Josef James Lee Senesac pled guilty to felony video voyeurism. Idaho Code § 18-6609. The district court sentenced Senesac to a unified term of four years, with two years determinate, and retained jurisdiction. Upon review of Senesac’s period of retained jurisdiction, the district court relinquished jurisdiction. Senesac thereafter filed an Idaho Criminal Rule 35 motion, which the district court denied. Senesac appeals, contending the district court abused its discretion by denying his Rule 35 motion.

A motion for reduction of sentence under Idaho Criminal Rule 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). Upon review of the record, including the new information submitted with Senesac's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Senesac's Rule 35 motion is affirmed.