

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43351

STATE OF IDAHO,) 2016 Unpublished Opinion No. 303
)
Plaintiff-Respondent,) Filed: January 5, 2016
)
v.) Stephen W. Kenyon, Clerk
)
CHRISTIAN DUANE OBAY,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)
_____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Steven J. Hippler, District Judge.

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

Sara B. Thomas, State Appellate Public Defender; Andrea W. Reynolds, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Christian Duane Obay pled guilty to one count of fraudulently obtaining welfare or public assistance benefits, Idaho Code § 56-227. The district court imposed a unified sentence of seven years, with a two-year determinate term. Obay filed an Idaho Criminal Rule 35 motion, which the district court denied. Obay appeals.

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). Upon review of the record, including any new information submitted with Obay's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Obay's Rule 35 motion is affirmed.