

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 40910

STATE OF IDAHO,)	2014 Unpublished Opinion No. 536
)	
Plaintiff-Respondent,)	Filed: May 30, 2014
)	
v.)	Stephen W. Kenyon, Clerk
)	
DAMENIEL PRESTON OWENS,)	THIS IS AN UNPUBLISHED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. Melissa Moody, District Judge.

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

Sara B. Thomas, State Appellate Public Defender; Sally J. Cooley, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Dameniel Preston Owens pled guilty to grand theft. Idaho Code §§ 18-2403(1), 18-2407(1)(b). The district court sentenced Owens to a unified term of fourteen years, with three years determinate. Subsequently, Owens filed an Idaho Criminal Rule 35 motion for a reduction of his sentence, which the district court denied. Owens appeals, contending the district court abused its discretion by denying his Rule 35 motion.

A motion for reduction of sentence under 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 Owens' Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Owens' Rule 35 motion is affirmed.