

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 40935

STATE OF IDAHO,)	2014 Unpublished Opinion No. 390
)	
Plaintiff-Respondent,)	Filed: February 24, 2014
)	
v.)	Stephen W. Kenyon, Clerk
)	
STEVEN LEE ANDERSEN,)	THIS IS AN UNPUBLISHED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, Kootenai County. Hon. John T. Mitchell, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Sara B. Thomas, State Appellate Public Defender; Shawn F. Wilkerson, 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; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

Steven Lee Andersen pled guilty to delivery of a controlled substance. I.C. § 37-2732(a). The district court sentenced Andersen to a unified term of ten years, with a minimum period of confinement of three years, to run consecutive to two other unrelated sentences. The district court retained jurisdiction and sent Andersen to participate in the rider program. Following completion of his rider, the district court relinquished jurisdiction, but modified Andersen’s sentence to an indeterminate term of ten years to run consecutive to his unrelated sentences. Andersen filed an I.C.R 35 motion, which the district court denied. Andersen 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 the new information submitted with Andersen's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Andersen's Rule 35 motion is affirmed.