

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 40988

STATE OF IDAHO,)	2014 Unpublished Opinion No. 365
)	
Plaintiff-Respondent,)	Filed: February 7, 2014
)	
v.)	Stephen W. Kenyon, Clerk
)	
RICHARD ALLEN GRACE,)	THIS IS AN UNPUBLISHED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. Lansing L. Haynes, 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.

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

PER CURIAM

Richard Allen Grace was convicted of lewd conduct with a minor under the age of sixteen, Idaho Code § 18-1508. The district court sentenced Grace to a unified thirteen-year term with four years determinate and retained jurisdiction. At the conclusion of the retained jurisdiction period, the district court relinquished jurisdiction, but reduced the determinate portion of the sentence to three years. Grace filed an Idaho Criminal Rule 35 motion, which the district court denied. Grace 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 Grace's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Grace's Rule 35 motion is affirmed.