

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41389

STATE OF IDAHO,	)	2014 Unpublished Opinion No. 563
	)	
<b>Plaintiff-Respondent,</b>	)	<b>Filed: June 12, 2014</b>
	)	
v.	)	<b>Stephen W. Kenyon, Clerk</b>
	)	
<b>GAVIE JULIAN GARCIA, aka GAVIE J.</b>	)	<b>THIS IS AN UNPUBLISHED</b>
<b>GARCIA, GABE GARCIA,</b>	)	<b>OPINION AND SHALL NOT</b>
	)	<b>BE CITED AS AUTHORITY</b>
<b>Defendant-Appellant.</b>	)	
	)	

---

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Thomas J. Ryan, District Judge.

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

Sara B. Thomas, State Appellate Public Defender; Kimberly E. Smith, Deputy Appellate Public Defender, Boise, for appellant.

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

---

Before LANSING, Judge; GRATTON, Judge;  
and MELANSON, Judge

---

PER CURIAM

Gavie Julian Garcia, aka Gavie J. Garcia, Gabe Garcia pled guilty to violation of a no-contact order. I.C. § 18-920(3). The district court sentenced Garcia to a unified term of five years, with a minimum period of confinement of two years, but suspended the sentence and placed Garcia on probation. Garcia violated the terms of his probation. The district court revoked Garcia’s probation, but retained jurisdiction. Thereafter the district court relinquished jurisdiction. Garcia filed an I.C.R 35 motion, which the district court denied. Garcia 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 in support of Garcia's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Garcia's Rule 35 motion is affirmed.