

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41735

STATE OF IDAHO,) 2015 Unpublished Opinion No. 417
)
Plaintiff-Respondent,) Filed: March 17, 2015
)
v.) Stephen W. Kenyon, Clerk
)
CHAD STUART RITCHIE,) THIS IS AN UNPUBLISHED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. Thomas F. Neville, District Judge.

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

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

Hon. Lawrence G. Wasden, Attorney General; John C. McKinney, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Chad Stuart Ritchie was found guilty of two counts of aggravated assault on certain law enforcement personnel, Idaho Code §§ 18-915(1), 18-905(a). The district court imposed consecutive sentences of ten years, with three years determinate, on the first count of aggravated assault on law enforcement personnel and five years indeterminate on the second count of aggravated assault. Ritchie filed an Idaho Criminal Rule 35 motion, which the district court denied. Ritchie 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 Ritchie's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Ritchie's Rule 35 motion is affirmed.