

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42056

STATE OF IDAHO,) 2015 Unpublished Opinion No. 369
)
Plaintiff-Respondent,) Filed: February 25, 2015
)
v.) Stephen W. Kenyon, Clerk
)
MARIO ANGEL GOMEZ,) THIS IS AN UNPUBLISHED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 Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Sara B. Thomas, State Appellate Public Defender; Ben P. McGreevy, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Mario Angel Gomez was convicted of failure to register as a sex offender, Idaho Code §§ 18-8309, 18-8311. The district court imposed a unified ten-year sentence with a three-year determinate term, suspended the sentence, and placed Gomez on supervised probation for five years. The district court later revoked probation and retained jurisdiction. At the end of the retained jurisdiction, the district court relinquished jurisdiction and ordered execution of the original sentence. Gomez filed an Idaho Criminal Rule 35 motion, which the district court denied. Gomez 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). In conducting our review of the grant or denial of a Rule 35 motion, we apply the same criteria used for determining the reasonableness of the original sentence. *State v. Forde*, 113 Idaho 21, 22, 740 P.2d 63, 64 (Ct. App. 1987); *Lopez*, 106 Idaho at 449-51, 680 P.2d at 871-73. Upon review of the record, including any new information submitted with Gomez's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Gomez's Rule 35 motion is affirmed.