

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43250

STATE OF IDAHO, ) 2016 Unpublished Opinion No. 421  
 )  
Plaintiff-Respondent, ) Filed: March 8, 2016  
 )  
v. ) Stephen W. Kenyon, Clerk  
 )  
JOSE MIGUEL SOTO, ) THIS IS AN UNPUBLISHED  
 ) OPINION AND SHALL NOT  
Defendant-Appellant. ) BE CITED AS AUTHORITY  
 )

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Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Benjamin R. Simpson, District Judge.

Order denying Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Sara B. Thomas, State Appellate Public Defender; Jenevieve C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

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

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

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PER CURIAM

Jose Miguel Soto pled guilty to possession of methamphetamine, Idaho Code § 37-2732(C)(1), with a persistent violator enhancement. The district court imposed a unified sentence of fifteen years, with a minimum period of confinement of five years, and retained jurisdiction. Following the period of retained jurisdiction, the district court suspended Soto's sentence and placed him on supervised probation for four years. Subsequently, Soto admitted to violating the terms of his probation and the district court revoked probation and ordered execution of the underlying sentence. Soto filed a pro se Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Soto 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 Soto's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Soto's Rule 35 motion is affirmed.