

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43278

STATE OF IDAHO,) 2015 Unpublished Opinion No. 736
)
Plaintiff-Respondent,) Filed: December 1, 2015
)
v.) Stephen W. Kenyon, Clerk
)
SHANDA R. ROBNETT aka DUNLAP,) THIS IS AN UNPUBLISHED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. Richard D. Greenwood, District Judge.

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

Sara B. Thomas, State Appellate Public Defender; Elizabeth A. Allred, 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; GRATTON, Judge;
and HUSKEY, Judge

PER CURIAM

Shanda R. Robnett aka Dunlap pled guilty to grand theft. I.C. §§ 18-2403(1) and 18-2407(1)(b). In exchange for her guilty plea, an additional charge was dismissed. The district court sentenced Robnett to a unified term of ten years, with a minimum period of confinement of two years. Robnett filed an I.C.R 35 motion, which the district court denied. Robnett appeals.

“Mindful” that she did not provide any new or additional information, Robnett asserts that the district court erred in denying her Rule 35 motion for reduction of her sentence. A motion for reduction of sentence under Rule 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, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Robnett's Rule 35 motion is affirmed.