

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 43637/43638

STATE OF IDAHO, ) 2016 Unpublished Opinion No. 515  
 )  
Plaintiff-Respondent, ) Filed: May 2, 2016  
 )  
v. ) Stephen W. Kenyon, Clerk  
 )  
LARRY MARK LASHCHUK, ) THIS IS AN UNPUBLISHED  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 Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Randy J. Stoker, District Judge.

Order denying Idaho Criminal Rule 35 motions, affirmed.

Sara B. Thomas, State Appellate Public Defender; Brian R. Dickson, 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

In Docket No. 43637, Larry Mark Lashchuk pled guilty to grand theft, Idaho Code §§ 18-2403(1), 18-2407(1)(b)(1), 18-2408, 19-5506, and grand theft by possession of stolen property, I.C. §§ 18-2403(4), 18-2407(1)(b)(1), 19-5506. The district court imposed concurrent unified sentences of eight years, with three years determinate, and retained jurisdiction. Following completion of retained jurisdiction, the district court suspended Lashchuk's sentences and placed him on supervised probation. Subsequently, Lashchuk pled guilty to possession of methamphetamine in Docket No. 43638 in violation of his probation in Docket No. 43637. The district court consequently revoked probation and ordered execution of the underlying sentence,

imposed a concurrent unified sentence of seven years, with three years determinate, and retained jurisdiction a second time. The district court relinquished jurisdiction in both cases and Lashchuk filed Idaho Criminal Rule 35 motions seeking reinstatement into the retained jurisdiction program, which the district court denied. Lashchuk 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 Lashchuk's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Lashchuk's Rule 35 motions are affirmed.