

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43909

STATE OF IDAHO,)	2016 Unpublished Opinion No. 592
)	
Plaintiff-Respondent,)	Filed: July 6, 2016
)	
v.)	Stephen W. Kenyon, Clerk
)	
SHANE RYAN STEVENS,)	THIS IS AN UNPUBLISHED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. Deborah A. Bail, District Judge.

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

Eric D. Fredericksen, Interim State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

Before GUTIERREZ, Judge; GRATTON, Judge;
and HUSKEY, Judge

PER CURIAM

Shane Ryan Stevens pled guilty to arson in the third degree. Idaho Code § 18-804. The district court sentenced Stevens to a unified term of six years with two years determinate, suspended the sentence, and placed Stevens on supervised probation for a period of six years. After Stevens violated his probation, the district court revoked probation, ordered the underlying sentence executed, and retained jurisdiction. Following the period of retained jurisdiction, the district court again suspended Stevens’ sentence and placed him on supervised probation for six years. Stevens violated his probation a second time and the district court revoked his probation, ordered the underlying sentence executed, and again retained jurisdiction. Following the second period of retained jurisdiction, the district court suspended Stevens’ sentence and placed him on

supervised probation of a period of six years. Subsequently, Stevens violated his probation a third time and the district court revoked his probation and ordered the underlying sentence executed. Stevens filed an Idaho Criminal Rule 35 motion for a reduction of sentence, which the district court denied. Stevens appeals asserting that the district court abused its discretion by denying his Rule 35 motion.

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 Stevens' Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Stevens' Rule 35 motion is affirmed.