

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44450

STATE OF IDAHO,)	2017 Unpublished Opinion No. 356
)	
Plaintiff-Respondent,)	Filed: February 6, 2017
)	
v.)	Stephen W. Kenyon, Clerk
)	
JACOB LOGAN LOFFER,)	THIS IS AN UNPUBLISHED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. Patrick H. Owen, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Jacob Logan Loffer pled guilty to grand theft. Idaho Code §§ 18-2403(1), 18-2407(1)(b), 18-2409. The district court sentenced Loffer to a unified term of seven years with two and one-half years determinate and retained jurisdiction. Following the period of retained jurisdiction, the district court relinquished jurisdiction. Loffer filed an Idaho Criminal Rule 35 motion, which the district court denied. Loffer 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. Gill*, 150 Idaho 183, 186, 244 P.3d 1269, 1272 (Ct. App. 2010). 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 Loffer's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Loffer's Rule 35 motion is affirmed.