

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44590

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| STATE OF IDAHO, |) | 2017 Unpublished Opinion No. 516 |
| |) | |
| Plaintiff-Respondent, |) | Filed: July 12, 2017 |
| |) | |
| v. |) | Karel A. Lehrman, Clerk |
| |) | |
| CHRISTIAN GONZALEZ MUNSON, |) | THIS IS AN UNPUBLISHED |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. Melissa Moody, District Judge.

Order denying Idaho Criminal Rule 35 motion, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, 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; MELANSON, Judge;
and HUSKEY, Judge

PER CURIAM

Cristian Gonzalez Munson was found guilty of felony eluding a peace officer involving excessive speed or endangerment, Idaho Code § 49-1404(a)(c), misdemeanor providing false information to law enforcement, I.C. § 18-5413(2), and misdemeanor driving without privileges, I.C. 18-8001(3). For the eluding charge, the district court imposed a unified five-year sentence, with two years determinate. The court ordered credit for time served on the two misdemeanors. The district court retained jurisdiction, and Munson was sent to participate in the rider program. After Munson completed his rider, the district court relinquished jurisdiction and executed the underlying sentence. Munson filed an Idaho Criminal Rule 35 motion requesting the district court reconsider the order relinquishing jurisdiction and place Munson on probation or, in the

alternative, reduce the determinate portion of his sentence. The district court denied the Rule 35 motion.

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, including any new information submitted with Munson's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Munson's Rule 35 motion is affirmed.