

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45327

STATE OF IDAHO,	)
	) <b>Filed: July 12, 2018</b>
<b>Plaintiff-Respondent,</b>	)
	) <b>Karel A. Lehrman, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
<b>BRYON NATHAN HAWLEY,</b>	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
<b>Defendant-Appellant.</b>	)
_____	)

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Christopher S. Nye, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Andrea W. Reynolds, Deputy Appellate Public Defender, Boise, for appellant.

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

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Before GUTIERREZ, Judge; HUSKEY, Judge;  
and LORELLO, Judge

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PER CURIAM

Bryon Nathan Hawley pled guilty to felony injury to children, Idaho Code § 18-1501(1). The district court imposed a unified sentence of ten years, with a minimum period of confinement of five years, to run consecutively with Hawley’s sentence in a separate case. The district court retained jurisdiction and, at the conclusion of the rider, placed Hawley on probation. Subsequently, Hawley was found to have violated the terms of the probation, and the district court consequently revoked probation and ordered execution of the original sentence. Having been granted relief in post-conviction proceedings, Hawley filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Hawley 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 Hawley's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Hawley's Rule 35 motion is affirmed.