

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45469

STATE OF IDAHO,) 2018 Unpublished Opinion No. 457
)
Plaintiff-Respondent,) Filed: May 16, 2018
)
v.) Karel A. Lehrman, Clerk
)
JONATHON DANIEL ROJAS,) THIS IS AN UNPUBLISHED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. Lynn G. Norton, District Judge.

Order denying Idaho Criminal Rule 35 motion, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Ben P. McGreevy, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Jonathon Daniel Rojas pleaded guilty to flee or attempt to elude a police officer in a motor vehicle, felony, Idaho Code § 49-1404. The district court imposed a unified five-year sentence, with two years determinate. Rojas filed an Idaho Criminal Rule 35 motion, which the district court denied. Rojas 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 an I.C.R. 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 or additional information submitted with Rojas's I.C.R. 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Rojas's I.C.R. 35 motion is affirmed.