

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45541

STATE OF IDAHO,)
)
) **Filed: June 19, 2018**
)
) **Plaintiff-Respondent,**)
) **Karel A. Lehrman, Clerk**
)
) **v.**)
) **THIS IS AN UNPUBLISHED**
) **MICHAEL PATRICK CAVANAGH,**) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, ada County. Hon. Nancy A. Baskin, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Lara E. Anderson, 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

Michael Patrick Cavanagh pled guilty to felony driving under the influence. I.C. § 18-8004 and 18-8005(9). In exchange for his guilty plea, the state agreed to recommend a unified ten-year sentence, with a minimum period of confinement of three years, and to not pursue an allegation that Cavanagh was a persistent violator. The district court sentenced Cavanagh to a unified term of ten years, with a minimum period of confinement of three years, to run concurrent with other unrelated sentences. Cavanagh filed an I.C.R 35 motion, which the district court denied. Cavanagh 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 Cavanagh's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Cavanagh's Rule 35 motion is affirmed.