

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45589

STATE OF IDAHO, )  
 ) **Filed: July 26, 2018**  
 ) **Plaintiff-Respondent,** )  
 ) **Karel A. Lehrman, Clerk**  
v. )  
 ) **THIS IS AN UNPUBLISHED**  
 ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 ) **DAVID ALLEN STRANGE,** )  
 ) **Defendant-Appellant.** )  
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Appeal from the District Court of the Third Judicial District, State of Idaho, Washington County. Hon. Susan E. Wiebe, District Judge.

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

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

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PER CURIAM

David Allen Strange pled guilty to aggravated assault. Idaho Code § 18-905(a). The district court sentenced Strange to a unified term of five years with two years determinate and retained jurisdiction. The district court later relinquished jurisdiction. Strange filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Strange appeals asserting that the district court abused its discretion by denying his Rule 35 motion in view of the new and additional information presented with the 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. 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 Strange's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Strange's Rule 35 motion is affirmed.