

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45621

STATE OF IDAHO,	)
	) <b>Filed: July 2, 2018</b>
Plaintiff-Respondent,	)
	) <b>Karel A. Lehrman, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
JOSHUA CAUSER,	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
Defendant-Appellant.	)
_____	)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Stephen S. Dunn, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Kimberly A. Coster, 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 GUTIERREZ, Judge; HUSKEY, Judge;  
and LORELLO, Judge

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PER CURIAM

Joshua Causer pled guilty to delivery of a controlled substance, Idaho Code § 37-2732(a)(1)(A). The district court imposed a unified sentence of six years, with a minimum period of confinement of three years, suspended the sentence and placed Causer on probation. Subsequently, Causer admitted to violating the terms of his probation. The district court revoked probation, ordered execution of the underlying sentence, and retained jurisdiction. Upon Causer’s completion of the retained jurisdiction program, the district court relinquished jurisdiction and executed the sentence. Causer filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Causer 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 Causer's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Causer's Rule 35 motion is affirmed.