

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45665

STATE OF IDAHO,)
) Filed: July 3, 2018
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
HARLEY J. HULSE,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Gooding County. Hon. John K. Butler, District Judge.

Order denying Idaho Criminal Rule 35 motion, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Brian R. Dickson, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Harley J. Hulse pleaded guilty to felony injury to child, Idaho Code § 18-1501(1). The district court imposed a unified sentence of eight years, with two years determinate, suspended the sentence, and placed Hulse on a term of probation. Hulse admitted to violating the terms of his probation, and the district court executed the underlying sentence, retained jurisdiction, and sent Hulse to participate in the rider program. After Hulse completed his rider, the district court relinquished jurisdiction. Hulse filed an Idaho Criminal Rule 35 motion, which the district court denied. Hulse 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 information submitted with Hulse's I.C.R. 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Hulse's I.C.R. 35 motion is affirmed.