

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 46208/46209

STATE OF IDAHO,)
)
) **Filed: March 6, 2019**
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) **Karel A. Lehrman, Clerk**
)
) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Richard Greenwood, District Judge.

Orders denying Idaho Criminal Rule 35 motions for reduction of sentences, 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 HUSKEY, Judge; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

In these consolidated cases, Dustin Craig Swayze pled guilty to attempted trafficking in methamphetamine or amphetamine by manufacturing, Idaho Code § 37-2732B(a)(3), and unlawful possession of a firearm, I.C. § 18-3316 (Docket No. 46208). The district court imposed a unified sentence of ten years with two years determinate for the attempted trafficking charge and a consecutive two-year determinate term for the unlawful possession of a firearm charge. In Docket No. 46209, Swayze pled guilty to grand theft by unauthorized control, I.C. §§ 18-2403(3), 18-2407(1), 18-2409. The district court imposed a unified sentence of twelve years with four years determinate and ordered the sentence to run concurrently with the sentences in

Docket No. 46208. Swayze filed Idaho Criminal Rule 35 motions for reduction of his sentences in each case, which the district court denied. Swayze 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 Swayze's Rule 35 motions, we conclude no abuse of discretion has been shown. Therefore, the district court's orders denying Swayze's Rule 35 motions are affirmed.