

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46381

STATE OF IDAHO,)
) **Filed: June 19, 2019**
) **Plaintiff-Respondent,**)
) **Karel A. Lehrman, Clerk**
v.)
) **THIS IS AN UNPUBLISHED**
CALLI V. LOISELLE,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **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, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Erik Lehtinen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Calli Loiselle pled guilty to felony injury to a child. I.C. § 18-1501(1). The district court sentenced Loiselle to a unified term of eight years, with four years determinate. Loiselle appealed claiming the district court abused its discretion by imposing an excessive sentence. In an unpublished opinion, this Court affirmed Loiselle’s sentence. *State v. Loiselle*, Docket No. 45503 (Ct. App. June 22, 2018). Loiselle filed an Idaho Criminal Rule 35 motion and later an amended I.C.R. 35 motion and second amended I.C.R. 35 motion, which the district court denied. Loiselle 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). Assuming, without deciding the district court had jurisdiction to rule on the merits of Loisel's I.C.R. 35 motion, the claim fails on its merits. Upon review of the record, including any new information submitted with Loisel's I.C.R. 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Loisel's I.C.R. 35 motion is affirmed.