

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 46541/46548

STATE OF IDAHO,)
)
) **Filed: October 28, 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) **THIS IS AN UNPUBLISHED**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 Seventh Judicial District, State of Idaho, Bonneville County. Hon. Bruce L. Pickett, District Judge.

Orders denying I.C.R. 35 motions for reduction of sentences, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, 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

Jason Ray Burnside pled guilty to possession of a controlled substance, Idaho Code § 37-2732(c)(1), in docket number 46541. Burnside pled guilty to destruction, alteration, or concealment of evidence, I.C. § 18-2603, in docket number 46548. The district court sentenced Burnside to consecutive unified sentences of seven years with one year determinate and five years with one year determinate and retained jurisdiction. Following the period of retained jurisdiction, the district court relinquished jurisdiction. Burnside filed an Idaho Criminal Rule 35 motion for a reduction of sentence in each case, which the district court denied. Burnside appeals asserting that the district court abused its discretion by denying his Rule 35 motions.

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 Burnside's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's orders denying Burnside's Rule 35 motions are affirmed.