

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46624

STATE OF IDAHO,)
) Filed: July 24, 2019
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
REYNEL DAVID GARCIA,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Minodoka County. Hon. Jonathan P. Brody, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, 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 HUSKEY, Judge; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

Reynel David Garcia pled guilty to felony driving under the influence. I.C. §§ 18-8004 and 18-8005(6). The district court sentenced Garcia to a unified term of ten years, with a minimum period of confinement of four years. Garcia filed an I.C.R. 35 motion, which the district court denied. Garcia appeals, arguing that the district court erred in denying his motion for reduction of sentence.

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). On appeal, Garcia acknowledges that he did not submit any new information with his Rule 35 motion. Accordingly, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Garcia's Rule 35 motion is affirmed.