

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46754

STATE OF IDAHO,	)
	) <b>Filed: September 13, 2019</b>
Plaintiff-Respondent,	)
	) <b>Karel A. Lehrman, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
LEVI JAMES POGUE,	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
Defendant-Appellant.	)
_____	)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Richard S. Christensen, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, 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.

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

Levi James Pogue pled guilty to aggravated driving under the influence. I.C. § 18-8006. In exchange for his guilty plea, additional charges were dismissed including an allegation that he is a persistent violator. The district court sentenced Pogue to a unified term of fourteen years, with a minimum period of confinement of ten years, to run concurrently with two unrelated sentences. Pogue filed an I.C.R. 35 motion, which the district court denied. Pogue appeals, arguing that the district court erred in denying his Rule 35 motion.

A motion for reduction of sentence under Rule 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 Pogue's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Pogue's Rule 35 motion is affirmed.