IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47144

STATE OF IDAHO,)
Plaintiff-Respondent,) Filed: March 16, 2020)) Karel A. Lehrman, Clerk
v.)
ZACHARY DOUGLAS HUNSAKER,) THIS IS AN UNPUBLISHED) OPINION AND SHALL NOT) BE CITED AS AUTHORITY
Defendant-Appellant.))
Appeal from the District Court of the County. Hon. Nancy A. Baskin, Dist	e Fourth Judicial District, State of Idaho, trict Judge.
Order denying I.C.R. 35 motion for r	reduction of sentence, <u>affirmed</u> .

Eric D. Fredericksen, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

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Hon. Lawrence G. Wasden, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Zachary Douglas Hunsaker pled guilty to violation of a no-contact order. I.C. § 18-920. In exchange for his guilty plea, an additional charge was dismissed. The district court sentenced Hunsaker to a unified term of five years, with a minimum period of confinement of two years. However, the district court retained jurisdiction and sent Hunsaker to participate in the rider program. Thereafter, the district court relinquished jurisdiction and ordered execution of Hunsaker's original sentence. Hunsaker presented an oral I.C.R. 35 motion for reduction of his

sentence, which the district court denied. Hunsaker appeals, arguing that the district court erred in denying his Rule 35 motion.¹

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 Hunsaker's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Hunsaker's Rule 35 motion is affirmed.

Hunsaker also pled guilty and was sentenced for two misdemeanor convictions. However, those sentences were not subject to the Rule 35 motion and are not challenged on appeal.