

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47160

STATE OF IDAHO,)
) **Filed: February 19, 2020**
) **Plaintiff-Respondent,**)
) **Karel A. Lehrman, Clerk**
v.)
) **THIS IS AN UNPUBLISHED**
) **CHARLES CLIFFORD BROWN,**) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Benjamin R. Simpson, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Charles Clifford Brown pled guilty to delivery of a controlled substance. I.C. § 37-2732(a)(1)(A). In exchange for his guilty plea, additional charges were dismissed. The district court sentenced Brown to a unified term of fifteen years, with a minimum period of confinement of four years. Brown appealed, arguing his sentence is excessive, and this Court affirmed in an unpublished opinion. *State v. Brown*, Docket No. 46660 (Ct. App. June 18, 2019). Brown filed an I.C.R. 35 motion for reduction of his sentence, which the district court denied. Brown 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 Brown's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Brown's Rule 35 motion is affirmed.