

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47248

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) **THIS IS AN UNPUBLISHED**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

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Cynthia K.C. Meyer, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Elizabeth A. Allred, 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

Ronnie Ray McFadden pled guilty to burglary, I.C. § 18-1401, and unlawful possession of a firearm, I.C. § 18-3316. In exchange for his guilty plea, additional charges were dismissed including an allegation that he is a persistent violator. The district court sentenced McFadden to a unified term of seven years, with a minimum period of confinement of three years, for burglary and a consecutive unified term of five years, with a minimum period of confinement of three years, for unlawful possession of a firearm. McFadden filed an I.C.R. 35 motion, which the district court denied. McFadden 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 McFadden's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying McFadden's Rule 35 motion is affirmed.