

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47369

STATE OF IDAHO,)
) **Filed: March 3, 2020**
) **Plaintiff-Respondent,**)
) **Karel A. Lehrman, Clerk**
v.)
) **THIS IS AN UNPUBLISHED**
) **RICHARD EUGENE MILLARD,**) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)

Appeal from the District Court of the First Judicial District, State of Idaho, Benewah County. Hon. Scott Wayman, District Judge.

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

PER CURIAM

Richard Eugene Millard pled guilty to domestic battery with traumatic injury. I.C. § 18-918(2)(a). The district court sentenced Millard to a unified term of ten years, with a minimum period of confinement of two years. However, the district court retained jurisdiction and sent Millard to participate in the rider program. Thereafter, the district court relinquished jurisdiction and ordered execution of Millard’s original sentence. Millard filed an I.C.R. 35 motion, which the district court denied. Mindful that he did not submit any new or additional information with his Rule 35 motion, Millard appeals and argues 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, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Millard's Rule 35 motion is affirmed.