IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47447

STATE OF IDAHO,)
Plaintiff-Respondent,) Filed: March 26, 2020)) Karel A. Lehrman, Clerk
CHANCE TYLER WYNACHT,) THIS IS AN UNPUBLISHED) OPINION AND SHALL NOT) BE CITED AS AUTHORITY
Defendant-Appellant.))
Kootenai County. Hon. Scott Wayman Order denying Idaho Criminal Rule 35	motion, <u>affirmed</u> . ublic Defender; Ben P. McGreevy, Deputy
Appenate I ublic Defender, Boise, for a	ppenant.
Hon. Lawrence G. Wasden, Attorney Attorney General, Boise, for responden	General; Kenneth K. Jorgensen, Deputy t.
	f Judge; LORELLO, Judge; SFORD, Judge

PER CURIAM

Chance Tyler Wynacht entered an *Alford*¹ plea to felony attempted strangulation, Idaho Code § 18-923. In exchange for his guilty plea, additional charges were dismissed including an allegation that he is a persistent violator. The district court sentenced Wynacht to a unified term of ten years, with a minimum period of confinement of five years. Wynacht filed an Idaho Criminal Rule 35 motion, which the district court denied. Wynacht appeals.

A motion for reduction of sentence under I.C.R. 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

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See North Carolina v. Alford, 400 U.S. 25 (1970).

23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting an I.C.R. 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 Wynacht's I.C.R. 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Wynacht's I.C.R. 35 motion is affirmed.