

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 47470/47471

STATE OF IDAHO,)
) Filed: June 15, 2020
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
JON PIERRE LACOSTE,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Darren B. Simpson, District Judge.

Order denying Idaho Criminal Rule 35 motions, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Ben P. McGreevy, 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

In Supreme Court Docket No. 47470, Jon Pierre LaCoste pled guilty to possession of a controlled substance, methamphetamine. I.C. § 37-2732(c)(1). The district court sentenced LaCoste to a unified sentence of five years, with a minimum period of confinement of two years, suspended the sentence, and placed LaCoste on probation. While on probation, LaCoste pled guilty to a second charge of possession of a controlled substance, methamphetamine, I.C. § 37-2732(c)(1), in Supreme Court Docket No. 47471, and the district court sentenced LaCoste to a unified sentence of seven years, with a minimum period of confinement of four years, suspended the sentence, and placed LaCoste on probation. LaCoste also admitted to violating the terms of

his probation in Docket No. 47470, and the district court modified his terms of probation and extended the period of probation.

Soon after, LaCoste admitted to violating the terms of his probation in both cases. The district court continued LaCoste on probation and added an additional term that required LaCoste to complete in-patient treatment. Thereafter, LaCoste again admitted to violating the terms of his probation in both cases, and the district court revoked probation and retained jurisdiction. Based upon a report from the Idaho Department of Correction and without a hearing, the district court relinquished jurisdiction and ordered the original sentences executed. LaCoste filed an Idaho Criminal Rule 35 motion in each case, which the district court denied. LaCoste appeals, contending that the district court abused its discretion in denying his Rule 35 motions.

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 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 LaCoste's Rule 35 motions, we conclude no abuse of discretion has been shown. Therefore, the district court's orders denying LaCoste's Rule 35 motions are affirmed.