

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47723

STATE OF IDAHO, )  
 ) **Filed: June 24, 2020**  
 ) **Plaintiff-Respondent,** )  
 ) **Melanie Gagnepain, Clerk**  
v. )  
 ) **THIS IS AN UNPUBLISHED**  
 ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 ) **BRANDON HOOVER,** )  
 ) **Defendant-Appellant.** )  
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Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Stephen S. Dunn, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Sally J. Cooley, Deputy Appellate Public Defender, Boise, for appellant.

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

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

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PER CURIAM

Brandon Hoover pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). The district court sentenced Hoover to a unified term of five years, with a minimum period of confinement of three years. However, the district court suspended the sentence and placed Hoover on probation. Thereafter, Hoover violated the terms of his probation. The district court revoked probation and ordered execution of Hoover’s sentence. Hoover filed an I.C.R. 35 motion, which the district court denied. Hoover appeals, arguing that, although he is “[m]indful that he did not assert any new or additional information in support of his motion,” the district court nevertheless 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). Hoover concedes he did not support his Rule 35 motion with new or additional information. Therefore, the district court's order denying Hoover's Rule 35 motion is affirmed.