

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47953

STATE OF IDAHO,)
) **Filed: April 23, 2021**
) **Plaintiff-Respondent,**)
) **Melanie Gagnepain, Clerk**
 v.)
) **THIS IS AN UNPUBLISHED**
 JARED CHARLES SIREECH,) **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 I.C.R. 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Mark W. Olson, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Jared Charles Sireech pled guilty to felony eluding a police officer. I.C. § 49-1494. In exchange for his guilty plea, an additional charge was dismissed. The district court sentenced Sireech to a unified term of five years, with a minimum period of confinement of three years. Sireech filed an I.C.R. 35 motion, which the district court denied. Mindful that he presented no

new information, Sireech appeals and argues that the district court erred in denying his Rule 35 motion.¹

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 Sireech's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Sireech's Rule 35 motion is affirmed.

¹ Sireech also pled guilty to and was sentenced for misdemeanor driving under the influence. Sireech did not request Rule 35 relief with respect to this sentence.