

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47964

STATE OF IDAHO,)
) Filed: February 10, 2021
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
MICHAEL B. COTTRELL, aka) OPINION AND SHALL NOT
MICHAEL B. FIELDS,) BE CITED AS AUTHORITY
)
Defendant-Appellant.)
)

Appeal from the District Court of the Second Judicial District, State of Idaho, Nez Perce County. Hon. Jeff M. Brudie, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Jenny C. Swinford, 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

Michael B. Cottrell, aka Michael B. Fields, pled guilty to felony eluding a peace officer, I.C. § 49-1404(1)(2)(a) and/or (b) and/or (c), and unlawful possession of a firearm, I.C. § 18-3316. In exchange for his guilty pleas, additional charges were dismissed. The parties jointly agreed to recommend concurrent determinate terms of three years confinement. The district court followed the parties’ recommendation and sentenced Cottrell to concurrent determinate terms of three years. Cottrell filed an I.C.R. 35 motion, which the district court denied. Cottrell appeals, arguing 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, including any new information submitted with Cottrell's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Cottrell's Rule 35 motion is affirmed.