

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48051

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| STATE OF IDAHO, |) |
| |) Filed: May 5, 2021 |
| Plaintiff-Respondent, |) |
| |) Melanie Gagnepain, Clerk |
| v. |) |
| |) THIS IS AN UNPUBLISHED |
| ROCKY JOE CLIFFORD, |) OPINION AND SHALL NOT |
| |) BE CITED AS AUTHORITY |
| Defendant-Appellant. |) |
| _____ |) |

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Patrick J. Miller, District Judge.

Order denying Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Emily M. Joyce, 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 BRAILSFORD, Judge

PER CURIAM

Rocky Joe Clifford pled guilty to felony driving under the influence, Idaho Code §§ 18-8004, 18-8005(9); felony eluding a peace officer, I.C. § 49-1404(2)(c); and misdemeanor resisting and/or obstructing an officer, I.C. § 18-705. The district court imposed a unified sentence of ten years with five years determinate for felony driving under the influence and concurrent sentences of five years indeterminate for eluding a peace officer and six months for resisting and/or obstructing an officer. Clifford filed an Idaho Criminal Rule 35 motion for reduction of his driving under the influence sentence, which the district court denied. Clifford appeals.

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