

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48349

STATE OF IDAHO,)
) **Filed: June 15, 2021**
) **Plaintiff-Respondent,**)
) **Melanie Gagnepain, Clerk**
v.)
) **THIS IS AN UNPUBLISHED**
IAN SYLVESTER JONES,) **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 I.C.R. 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kiley A. Heffner, Deputy Appellate Public Defender, Boise, for appellant.

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

Before GRATTON, Judge; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

Ian Sylvester Jones pled guilty to possession of a controlled substance with intent to deliver. Idaho Code § 37-2732(a). The district court sentenced Jones to a unified term of seven years with three years determinate and retained jurisdiction. Following the period of retained jurisdiction, the district court placed Jones on probation for a period of five years. Subsequently, Jones admitted to violating his probation and the district court directed execution of his original sentence, with credit for time served. Jones filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Jones appeals asserting that the district court abused its discretion by denying his Rule 35 motion.

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