

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48881

STATE OF IDAHO,)
) Filed: February 28, 2022
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
JOHNATHON L. COOK,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Second Judicial District, State of Idaho, Idaho County. Hon. Gregory FitzMaurice, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Kimberly A. Coster, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Johnathon L. Cook pled guilty to aggravated assault. Idaho Code § 18-905. In exchange for his guilty plea, a firearm enhancement was dismissed. The district court sentenced Cook to a unified term of five years with two years determinate and retained jurisdiction. Subsequently, the district court relinquished jurisdiction and Cook filed an Idaho Criminal Rule 35(b) motion, which the district court denied. Cook appeals asserting that the district court abused its discretion by denying his I.C.R. 35 motion for reduction of sentence.

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