

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 49225 & 49226

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: July 14, 2022**
)
 v.) **Melanie Gagnepain, Clerk**
) **THIS IS AN UNPUBLISHED**
 JACOB BAILEY OTTESON,) **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. Steven J. Hippler, District Judge.

Orders denying I.C.R. 35 motions for reduction of sentences, 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 LORELLO, Chief Judge; GRATTON, Judge;
and BRAILSFORD, Judge

PER CURIAM

In these consolidated appeals, Jacob Bailey Otteson pled guilty to burglary (I.C. § 18-1401) and grand theft (I.C. §§ 18-2403(1), 18-2407(1)(b), and 18-2409). In exchange for his guilty pleas, additional charges were dismissed. The district court sentenced Otteson to concurrent, unified terms of ten years, with minimum periods of confinement of two and one-half years, to be served consecutively to other unrelated sentences. Otteson filed I.C.R. 35 motions, which the district court denied. Mindful that he did not submit any new or additional information, Otteson appeals and argues that the district court erred in denying his Rule 35 motions.

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, we conclude no abuse of discretion has been shown. Therefore, the district court's orders denying Otteson's Rule 35 motions are affirmed.