

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49384

STATE OF IDAHO,)
) Filed: September 15, 2022
 Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
 v.)
) THIS IS AN UNPUBLISHED
 JAMES DARRYL SHAYLOR,) 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. Samuel A. Hoagland, District Judge.

Order denying I.C.R. 35 motion for reduction of his sentences, 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 GRATTON, Judge; HUSKEY, Judge;
and BRAILSFORD, Judge

PER CURIAM

James Darryl Shaylor pled guilty to aggravated assault, I.C. §§ 18-901(b) and 18-905(a), and possession of a controlled substance, I.C. § 37-2732(c). In exchange for his guilty pleas, additional charges were dismissed. The district court sentenced Shaylor to a unified term of five years, with a minimum period of confinement of two years, for aggravated assault, and a concurrent unified term of seven years, with a minimum period of confinement of two years, for

possession of a controlled substance.¹ The district court retained jurisdiction and sent Shaylor to participate in the rider program. Shortly after beginning his rider, the district court relinquished jurisdiction. Shaylor filed an I.C.R. 35 motion for reduction of his sentences, which the district court denied. Shaylor 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 Shaylor's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Shaylor's Rule 35 motion is affirmed.

¹ Shaylor also pled guilty to and was sentenced for malicious injury to property. However, that portion of his judgment of conviction and sentence are not challenged on appeal.