

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 49425/49426/49427/49428

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: July 14, 2022**
)
 v.) **Melanie Gagnepain, Clerk**
)
 WILLIAM STORM BUELL,) **THIS IS AN UNPUBLISHED**
) **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 Miller, District Judge.

Orders denying Idaho Criminal Rule 35 motion, 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; HUSKEY, Judge;
and BRAILSFORD, Judge

PER CURIAM

In these consolidated appeals, William Storm Buell pled guilty to committing four crimes: two counts of grand theft, Idaho Code §§ 18-2403(1), 18-2407(1)(b), 18-2409; burglary, I.C. § 18-1401; and forgery, I.C. § 18-3601. In exchange for his guilty pleas, additional charges were dismissed. The district court imposed concurrent unified sentences in the aggregate of fourteen years, with five years determinate. Buell appealed contending that his sentences are excessive. This Court affirmed Buell’s judgments of conviction and sentences. *State v. Buell*, Docket Nos. 48800/48801/48802/48803 (Ct. App. Feb. 25, 2022) (unpublished). Buell then filed an Idaho Criminal Rule 35 motion for reduction of sentence in each case, which the district court denied. Buell appeals.

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 an I.C.R. 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 Buell's I.C.R. 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's orders denying Buell's I.C.R. 35 motions are affirmed.