

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49502

STATE OF IDAHO,)
) **Filed: January 13, 2023**
 Plaintiff-Respondent,)
) **Melanie Gagnepain, Clerk**
 v.)
) **THIS IS AN UNPUBLISHED**
 RYAN KELLY BEUDERT,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Madison County. Hon. Steven W. Boyce, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Jacob L. Westerfield, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Ryan Kelly Beudert pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). The district court sentenced Beudert to a unified term of six years, with a minimum period of confinement of three years. The district court suspended the sentence and placed Beudert on probation. Thereafter, he admitted to violating the terms of his probation. The district court revoked probation and ordered execution of Beudert’s underlying sentence. Beudert filed an I.C.R. 35 motion, which the district court denied. Beudert 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 Beudert's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Beudert's Rule 35 motion is affirmed.