

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49583

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: December 1, 2022**
)
 v.) **Melanie Gagnepain, Clerk**
)
 OCEAN ORION CHAVEZ,) **THIS IS AN UNPUBLISHED**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 J. Miller, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, 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

Ocean Orion Chavez pled guilty to sexual battery of a child under the age of sixteen. I.C. § 18-1506(b). In exchange for his guilty plea, additional charges were dismissed. The district court sentenced Chavez to a unified term of fifteen years, with a minimum period of confinement of four years. Chavez appealed, arguing the excessiveness of his sentence and the district court's denial of a period of retained jurisdiction. This Court affirmed Chavez's sentence in an unpublished opinion. *See State v. Chavez*, Docket No. 49090 (Ct. App. Mar. 29, 2022). Chavez filed an I.C.R. 35 motion, which the district court denied. Chavez 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 Chavez's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Chavez's Rule 35 motion is affirmed.