

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49726

STATE OF IDAHO, )  
 )  
 ) **Filed: May 26, 2023**  
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 ) **Melanie Gagnepain, Clerk**  
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 ) **THIS IS AN UNPUBLISHED**  
 ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
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Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Cynthia K.C. Meyer, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Kiley A. Heffner, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; John C. McKinney, Deputy Attorney General, Boise, for respondent.

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

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PER CURIAM

Aaron T. Cain pled guilty to rape, I.C. § 18-6101, and lewd conduct with a child under sixteen, I.C. § 18-1508. In exchange for his guilty pleas, an additional charge was dismissed. The district court sentenced Cain to concurrent, unified terms of thirty-five years, with minimum periods of confinement of twenty years, for rape and lewd conduct with a minor under sixteen. Cain filed an I.C.R. 35 motion, which the district court denied. Cain 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 Cain's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Cain's Rule 35 motion is affirmed.