

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 49928 & 49929

STATE OF IDAHO, )  
 ) Filed: November 22, 2023  
 Plaintiff-Respondent, )  
 ) Melanie Gagnepain, Clerk  
 v. )  
 ) THIS IS AN UNPUBLISHED  
 MASON JAY YANT, ) OPINION AND SHALL NOT  
 ) BE CITED AS AUTHORITY  
 Defendant-Appellant. )  
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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Peter G. Barton, District Judge.

Orders denying I.C.R. 35 motions for reduction of sentences, affirmed.

Nevin, Benjamin & McKay, LLP; Dennis Benjamin, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, 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

In Docket No. 49928, Mason Jay Yant pled guilty to conspiracy to traffic in heroin. I.C. §§ 37-2732B(a)(6)(C), 18-701, and 37-2732B(b). In exchange for his guilty plea, additional charges were dismissed. The district court sentenced Yant to a unified term of life imprisonment, with a minimum period of confinement of fifteen years.

In Docket No. 49929, Yant pled guilty to conspiracy to deliver and/or manufacture a controlled substance (I.C. §§ 37-2732(a), 18-204, and 19-304) and unlawful possession of a firearm (I.C. §§ 18-3316 and 19-304). In exchange for his guilty pleas, additional charges were dismissed. The district court sentenced Yant to a unified term of life imprisonment, with a

minimum period of confinement of fifteen years, to be served concurrently with his sentence in Docket No. 49928. The district court also sentenced Yant to a determinate term of five years for unlawful possession of a firearm, to be served consecutively to his other two sentences.

Yant filed I.C.R. 35 motions, requesting that the district court modify his possession of a firearm sentence to run concurrently with his other sentences, not consecutively. The district court denied the motion. Yant 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 Yant's Rule 35 motion, we conclude no abuse of discretion has been shown.

Therefore, the district court's order denying Yant's Rule 35 motions are affirmed.