

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50171

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, )  
 )  
 v. )  
 )  
 ALEXEI PETRU BOTICA, )  
 )  
 Defendant-Appellant. )  
 )  
 )

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Scott Wayman, Senior District Judge.

Order denying I.C.R. 35 motion, affirmed.

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

Alexei Petru Botica pled guilty to grand theft. Idaho Code §§ 18-2403(4), 18-2407. In exchange for his guilty plea, additional charges were dismissed including an allegation that he was a persistent violator. The district court sentenced Botica to a unified term of seven years with three years determinate. Botica filed an Idaho Criminal Rule 35 motion, which the district court denied. Botica appeals asserting that the district court abused its discretion by denying his Rule 35 motion.

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 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 Botica's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Botica's Rule 35 motion is affirmed.