

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50176

STATE OF IDAHO, )  
 ) **Filed: March 30, 2023**  
 ) **Plaintiff-Respondent,** )  
 ) **Melanie Gagnepain, Clerk**  
 v. )  
 ) **THIS IS AN UNPUBLISHED**  
 ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 ) **RICARDO CLEMENTE BERAUN,** )  
 ) **Defendant-Appellant.** )  
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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Jason D. Scott, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Justin R. Porter, Deputy Attorney General, Boise, for respondent.

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Before GRATTON, Judge; HUSKEY, Judge;  
and BRAILSFORD, Judge

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PER CURIAM

Ricardo Clemente Beraun pled guilty to possession of methamphetamine. Idaho Code § 37-2732(c). The district court sentenced Beraun to a unified term of five years with one year determinate. Beraun filed an I.C.R. 35 motion, which the district court denied. Beraun appeals.

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