

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 50181 & 50182

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: December 18, 2023**
)
 v.) **Melanie Gagnepain, Clerk**
) **THIS IS AN UNPUBLISHED**
 ERIC VON DOYLE, JR.,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
 _____)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. John T. Mitchell, District Judge.

Orders denying Idaho Criminal Rule 35 motions, affirmed.

Erik R. Lehtinen, Interim State Appellate Public Defender; Jacob L. Westerfield, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Eric Von Doyle, Jr. appeals from the denial of his Idaho Criminal Rule 35 motions in these consolidated cases. In Docket No. 50181, Doyle pleaded guilty to stalking in the first degree, Idaho Code § 18-7905, and the district court imposed a five-year determinate sentence. In Docket No. 50182, Doyle pleaded guilty to grand theft, I.C. §§ 18-2407(1)(b)(3), -2403(1), and the district court imposed a unified ten-year sentence, with three years determinate. The sentences were ordered to run consecutively. The district court retained jurisdiction in both cases, and Doyle was sent to participate in the rider program. The district court subsequently relinquished jurisdiction. Doyle filed an I.C.R. 35 motion in each case. Following a hearing, the district court denied the

motions. Doyle appeals contending that the district court abused its discretion by denying his Rule 35 motions.

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 an I.C.R. 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 Doyle's I.C.R. 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's orders denying Doyle's I.C.R. 35 motions are affirmed.