

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50411

STATE OF IDAHO,)
)
) **Filed: September 15, 2023**
)
) **Melanie Gagnepain, Clerk**
)
) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael J. Reardon, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Andrea W. Reynolds, 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

Von Dane Leonard pled guilty to sexual battery of a minor child sixteen or seventeen years of age, I.C. § 18-1508A, and lewd conduct with a minor under sixteen, I.C. § 18-1508. In exchange for his guilty pleas, additional charges were dismissed. The district court sentenced Leonard to concurrent, unified terms of thirty years, with minimum periods of confinement of twelve years. Leonard filed an I.C.R. 35 motion seeking a reduction in the determinate portions of his sentences, which the district court denied. Leonard 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 Leonard's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Leonard's Rule 35 motion is affirmed.