

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50577

STATE OF IDAHO,)
)
) **Filed: July 11, 2024**
)
) **Melanie Gagnepain, Clerk**
)
) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
)
)
)
)

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 reconsideration of sentence, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Lynn Lewis Schwab pled guilty to felony driving under the influence. Idaho Code §§ 18-8004, -8005(9). The district court imposed a unified term of ten years, with a minimum period of confinement of one and one-half years. Schwab filed an Idaho Criminal Rule 35 motion, which the district court denied. Schwab appeals.

Mindful that he did not provide any new information in support of his Rule 35 motion, Schwab argues 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, and because no new or additional information in support of Schwab's Rule 35 motion was presented, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Schwab's Rule 35 motion is affirmed.