

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50642

STATE OF IDAHO,)
)
) **Filed: October 29, 2024**
)
) **Plaintiff-Respondent,**)
) **Melanie Gagnepain, Clerk**
 v.)
) **THIS IS AN UNPUBLISHED**
) **ROBERT ANDREW SANDS,**) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Lynn G. Norton, District Judge.

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

Erik R. Lehtinen, State Appellate Public Defender; Kimberly A. Coster, 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

Robert Andrew Sands pled guilty to felony injury to children. Idaho Code § 18-1501(1). The district court imposed a sentence of ten years, with a minimum period of confinement of three years. After a period of retained jurisdiction, the district court suspended the sentence and placed Sands on probation. Subsequently, Sands admitted to violating the terms of probation, and the district court consequently revoked probation and ordered execution of the original sentence. Sands filed an Idaho Criminal Rule 35 motion requesting a reduction in the indeterminate portion of his sentence, which the district court denied. Sands 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 or additional information submitted with Sands's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Sands's Rule 35 motion is affirmed.