

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50682

STATE OF IDAHO,)
) **Filed: December 27, 2023**
) **Plaintiff-Respondent,**)
) **Melanie Gagnepain, Clerk**
v.)
) **THIS IS AN UNPUBLISHED**
WILLIAM ANDREW LAVATTA,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)
_____)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Darren B. Simpson, District Judge.

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

Erik R. Lehtinen, Interim State Appellate Public Defender; Elizabeth A. Allred, 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

William Andrew Lavatta pled guilty to possession of a controlled substance, Idaho Code § 37-2732(c)(1), and providing false information, I.C. § 18-5413(2). The district court imposed concurrent sentences of seven years with three years determinate on the possession of a controlled substance conviction and a determinate term of six months for providing false information. Lavatta filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Lavatta appeals, asserting that the district court abused its discretion by denying his motion for reduction of sentence.

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