

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50729

STATE OF IDAHO,)
) Filed: August 26, 2024
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
MATTHEW MITCHELL SCHUG,) 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. Barbara Duggan, District Judge.

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

Erik R. Lehtinen, 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 GRATTON, Chief Judge; HUSKEY, Judge;
and TRIBE, Judge

PER CURIAM

Matthew Mitchell Schug pled guilty to lewd conduct. Idaho Code § 18-1508. In exchange for his guilty plea, additional charges were dismissed. The district court imposed a unified sentence of twenty years, with a minimum period of confinement of ten years. Schug filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Schug 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 or additional information submitted with Schug's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Schug's Rule 35 motion for reduction of sentence is affirmed.