

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50981

STATE OF IDAHO,	)	
	)	Filed: November 17, 2025
Plaintiff-Respondent,	)	
	)	Melanie Gagnepain, Clerk
v.	)	
	)	THIS IS AN UNPUBLISHED
TONY AUGUST SCHOMER,	)	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. John T. Mitchell, 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; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Toney August Schomer pled guilty to grand theft, Idaho Code §§ 18-2403(1), -2407(1)(b)(1). The district court sentenced Schomer to a determinate term of fourteen years; however, the district court suspended the sentence and placed Schomer on probation for four years. In January 2017, Schomer admitted to violating the terms of probation, and the district court continued Schomer on probation. In May 2017, Schomer admitted to violating the terms of probation, and the district court consequently revoked probation and ordered execution of the original sentence and retained jurisdiction. After the period of retained jurisdiction, Schomer was placed on probation for three years. In January 2018, Schomer admitted to violating the terms of probation, and the district court continued Schomer on probation until November 12, 2021. In July 2018, Schomer admitted to violating the terms of probation, and the

district court consequently revoked probation and ordered execution of the original sentence and retained jurisdiction. After the period of retained jurisdiction, Schomer was placed on probation for five years. In March 2020, Schomer again admitted to violating the terms of probation, and the district court continued Schomer on probation until February 5, 2024. In June 2023, Schomer admitted to violating the terms of probation for a sixth time, and the district court consequently revoked probation and executed his sentence; however, the district court modified Schomer's sentence to a unified term of fourteen years, with a minimum period of confinement of twelve years. Schomer filed an Idaho Criminal Rule 35 motion, which the district court denied. Schomer 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 Schomer's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Schomer's I.C.R. 35 motion is affirmed.