

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51321

STATE OF IDAHO,)
) Filed: March 19, 2025
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
GAVIN DONITHORNE,) 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. Jonathan Medema, District Judge.

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

Erik R. Lehtinen, State Appellate Public Defender; Brian R. Dickson, 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; LORELLO, Judge;
and TRIBE, Judge

PER CURIAM

Gavin Donithorne pled guilty to aggravated assault on law enforcement personnel and felony eluding a peace officer. Idaho Code §§ 18-915(1), 18-905, 49-1404(2)(a) or (c). In exchange for his guilty plea, an additional charge was dismissed. The district court sentenced Donithorne to consecutive sentences of five years indeterminate for aggravated assault on law enforcement personnel and five years determinate for eluding a peace officer. Donithorne filed an Idaho Criminal Rule 35 motion, which the district court denied. Donithorne appeals asserting that the district court abused its discretion by denying his Rule 35 motion for leniency.

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