

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51597

STATE OF IDAHO,)
) Filed: January 28, 2025
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
DAVID JAMES WEST,) 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. James Cawthon, District Judge.

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

Erik R. Lehtinen, State Appellate Public Defender; Devin E. Harris, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kale D. Gans, Deputy Attorney General, Boise, for respondent.

Before HUSKEY, Judge; LORELLO, Judge;
and TRIBE, Judge

PER CURIAM

David James West pled guilty to delivery of a controlled substance. Idaho Code § 37-2732(a)(1)(A). In exchange for his guilty plea, additional charges were dismissed. The district court sentenced West to a unified sentence of fifteen years, with a minimum period of confinement of four years. West filed a Rule 35 motion, which the district court denied. West appeals.

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