

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42060

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| STATE OF IDAHO, |) | 2015 Unpublished Opinion No. 408 |
| |) | |
| Plaintiff-Respondent, |) | Filed: March 13, 2015 |
| |) | |
| v. |) | Stephen W. Kenyon, Clerk |
| |) | |
| DEREK DANIEL HAGUE, |) | THIS IS AN UNPUBLISHED |
| |) | OPINION AND SHALL NOT |
| Defendant-Appellant. |) | BE CITED AS AUTHORITY |
| |) | |

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Lansing L. Haynes, District Judge.

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

Sara B. Thomas, State Appellate Public Defender; Kimberly E. Smith, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before MELANSON, Chief Judge; LANSING, Judge;
and GRATTON, Judge

PER CURIAM

Derek Daniel Hague was found guilty of two counts of robbery, I.C. §§ 18-6501 and 18-6502, and one count of burglary, I.C. § 18-1401. Hague also admitted to being a persistent violator, I.C. § 19-2514. The district court sentenced Hague to concurrent unified terms of twenty years, with minimum periods of confinement of ten years. Hague filed an I.C.R 35 motion, which the district court denied. Hague 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 information submitted with Hague's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Hague's Rule 35 motion is affirmed.