

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46245

STATE OF IDAHO,)
) Filed: April 10, 2019
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
BOBBY LEE ALLOWAY,) 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. Michael J. Reardon, District Judge.

Order denying Idaho Criminal Rule 35 motion for reduction of sentences, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Maya P. Waldron, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

Before HUSKEY, Judge; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

Bobby Lee Alloway pled guilty to two counts of felony injury to children, Idaho Code § 18-1501(1). In exchange for his guilty plea, additional charges were dismissed. The district court imposed concurrent, unified sentences of ten years with two years determinate, to run concurrently with a sentence in a separate case. Alloway filed an Idaho Criminal Rule 35 motion for reduction of his sentences, which the district court denied. Alloway 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 Alloway's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Alloway's Rule 35 motion is affirmed.