IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46650

STATE OF IDAHO,)
) Filed: August 28, 2019
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
SHAWN MICHAEL DAVIS,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Rick Carnaroli, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Shawn Michael Davis pled guilty to an amended charge of felony domestic battery. I.C. §§ 18-903 and 18-918(2)(a). The district court sentenced Davis to a unified term of six years, with a minimum period of confinement of three years. The district court, however, retained jurisdiction and sent Davis to participate in the rider program. Thereafter, the district court relinquished jurisdiction and ordered execution of Davis's sentence. Davis filed an I.C.R. 35 motion, which the district court denied. Davis appeals, arguing that the district court erred in denying his Rule 35 motion.

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