

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 38147

STATE OF IDAHO,)	2011 Unpublished Opinion No. 489
)	
Plaintiff-Respondent,)	Filed: May 23, 2011
)	
v.)	Stephen W. Kenyon, Clerk
)	
JEREMY BROWN,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Ronald J. Wilper, District Judge.

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

Molly J. Huskey, State Appellate Public Defender; Shawn F. Wilkerson, 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; GUTIERREZ, Judge;
and MELANSON, Judge

PER CURIAM

Jeremy Brown pled guilty to aggravated battery. I.C. § 18-903(b), 907(a). In exchange for his guilty plea, the state agreed not to pursue other charges against Brown including an allegation that he was a persistent violator. The district court sentenced Brown to a unified term of six years, with a minimum period of confinement of two years. Brown filed an I.C.R. 35 motion, which the district court denied. Brown 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 the new information submitted with Brown's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Brown's Rule 35 motion is affirmed.