

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 38638

STATE OF IDAHO,)	2012 Unpublished Opinion No. 329
)	
Plaintiff-Respondent,)	Filed: January 23, 2012
)	
v.)	Stephen W. Kenyon, Clerk
)	
ADAM LEA GALLIANO,)	THIS IS AN UNPUBLISHED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. Cheri C. Copsey, District Judge.

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

Sara B. Thomas, State Appellate Public Defender; Shawn F. Wilkerson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Adam Lea Galliano pled guilty to felony domestic violence. Idaho Code §§ 18-903, 18-918(2). The district court sentenced Galliano to a unified term of ten years, with four years determinate.¹ After a period of retained jurisdiction for the express purposes of programming only, the district court relinquished jurisdiction and imposed the original sentence. Galliano filed an Idaho Criminal Rule 35 motion, which the district court denied. Galliano now appeals.

¹ Galliano was also sentenced to five years indeterminate, to run consecutive to the domestic violence sentence, for felony aggravated assault. However, the aggravated assault sentence was not included in Galliano’s Idaho Criminal Rule 35 motion.

A motion for reduction of sentence under Idaho Criminal 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 the new information submitted with Galliano's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Galliano's Rule 35 motion is affirmed.