

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 38315

STATE OF IDAHO,)	2011 Unpublished Opinion No. 671
)	
Plaintiff-Respondent,)	Filed: October 21, 2011
)	
v.)	Stephen W. Kenyon, Clerk
)	
STEVEN L. HASSETT, JR.,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Second Judicial District, State of Idaho, Nez Perce County. Hon. Jeff M. Brudie, District Judge.

Order denying Idaho Criminal Rule 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

Steven L. Hassett, Jr. pled guilty to felony operating a motor vehicle while under the influence of alcohol. Idaho Code §§ 18-8004(1)(a), 18-8005(6). The district court sentenced Hassett to a unified term of seven years with a minimum period of confinement of two years. Hassett filed an Idaho Criminal Rule 35 motion, which the district court denied. Hassett appeals.

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