

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41702

STATE OF IDAHO,	)	2014 Unpublished Opinion No. 564
	)	
Plaintiff-Respondent,	)	Filed: June 13, 2014
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
LANCE PATRICK COOK,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Randy J. Stoker, District Judge.

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

Sara B. Thomas, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

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

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

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PER CURIAM

Lance Patrick Cook pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). The district court sentenced Cook to a unified term of seven years, with a minimum period of confinement of three years. The district court suspended the sentence and placed Cook on probation. Cook violated the terms of his probation and the district court revoked Cooks probation and ordered execution of his sentence. Cook filed an I.C.R 35 motion, which the district court denied. Cook 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). An appeal from the denial of a Rule 35 motion cannot be used as a vehicle to review the underlying sentence absent the presentation of new information. *Id.* Because no new or additional information in support of Cook's Rule 35 motion was presented, the district court did not abuse its discretion. For the foregoing reasons, the district court's order denying Cook's Rule 35 motion is affirmed.