IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43210

STATE OF IDAHO,	) **2015 Unpublished Opinion No. 745**
	)
Plaintiff-Respondent,	) **Filed: December 4, 2015**
	)
v.	) **Stephen W. Kenyon, Clerk**
	)
CODY WILLIAMS PARMER,	) **THIS IS AN UNPUBLISHED**
	) **OPINION AND SHALL NOT**
Defendant-Appellant.	) **BE CITED AS AUTHORITY**
	)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Richard S. Christensen, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, <u>affirmed</u>.

Sara B. Thomas, 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.

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Before GUTIERREZ, Judge; GRATTON, Judge;
and HUSKEY, Judge

_____

PER CURIAM

     Cody Williams Parmer was found guilty of battery with the intent to commit a serious felony. Idaho Code §§ 18-903, 18-911. The district court sentenced Parmer to a unified fifteen-year sentence with a six-year determinate term. Parmer filed an Idaho Criminal Rule 35 motion for reduction of sentence which the district court denied. Parmer appeals asserting that the district court abused its discretion by denying his I.C.R. 35 motion.

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