

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41490

STATE OF IDAHO,	)	2014 Unpublished Opinion No. 389
	)	
Plaintiff-Respondent,	)	Filed: February 24, 2014
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
KENNETH W. CAMPBELL,	)	THIS IS AN UNPUBLISHED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 Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

Order denying I.C.R. 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; Lori A. Fleming, 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

Kenneth W. Campbell pleaded guilty to failure to register as a sex offender, Idaho Code §§ 18-8311, 18-8308. The district court imposed a unified five-year sentence with two years determinate and retained jurisdiction. Following review of Campbell's retained jurisdiction, the district court relinquished jurisdiction and ordered execution of the original sentence. Campbell filed an Idaho Criminal Rule 35 motion, which the district court denied. Campbell 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 information in support of Campbell's Rule 35 motion was presented, review of the sentence by this Court is precluded. For the foregoing reasons, the district court's order denying Campbell's Rule 35 motion is affirmed.