

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41693

STATE OF IDAHO,)	2014 Unpublished Opinion No. 758
)	
Plaintiff-Respondent,)	Filed: October 14, 2014
)	
v.)	Stephen W. Kenyon, Clerk
)	
LANNY HENRY DODDS,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. George A. Southworth, District Judge.

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

Sara B. Thomas, State Appellate Public Defender; Kimberly E. Smith, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Lanny Henry Dodds pled guilty to failure to register as a sex offender. I.C. §§ 18-8304, 18-8307, 18-8308, 18-8311. In exchange for his guilty plea, an allegation that Dodds was a persistent violator was dismissed. The district court sentenced Dodds to a unified term of ten years, with a minimum period of confinement of five years, but suspended the sentence and placed Dodds on probation. Thereafter, Dodds admitted to violating the terms of his probation. The district court revoked Dodds’s probation and ordered execution of his sentence. Dodds filed an I.C.R 35 motion, which the district court denied. Dodds 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). Upon review of the record, including any new information submitted with Dodds's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Dodds's Rule 35 motion is affirmed.