

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42318

STATE OF IDAHO,) 2015 Unpublished Opinion No. 418
)
Plaintiff-Respondent,) Filed: March 17, 2015
)
v.) Stephen W. Kenyon, Clerk
)
JAMES LEVERNE CARLTON,) THIS IS AN UNPUBLISHED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, Bonner County. Hon. Barbara A. Buchanan, 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 LANSING, Judge; GUTIERREZ, Judge;
and GRATTON, Judge

PER CURIAM

James Leverne Carlton was convicted of attempted murder, Idaho Code § 18-4001. The district court imposed a unified fifteen-year sentence with five years determinate. Carlton filed an Idaho Criminal Rule 35 motion, which the district court denied. Carlton 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 Carlton's Rule 35 motion was presented, we find no abuse of the district court's discretion. For the foregoing reasons, the district court's order denying Carlton's Rule 35 motion is affirmed.