

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42762

STATE OF IDAHO,	)	2015 Unpublished Opinion No. 616
	)	
Plaintiff-Respondent,	)	Filed: September 4, 2015
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
DILLEN JAMES ENDRES,	)	THIS IS AN UNPUBLISHED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 First Judicial District, State of Idaho, Kootenai County. Hon. Richard S. Christensen, District Judge.

Order dismissing Idaho Criminal Rule 35 motion for reduction of sentences, affirmed.

Sara B. Thomas, State Appellate Public Defender; Eric D. Fredericksen, 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 MELANSON, Chief Judge; GUTIERREZ, Judge;  
and GRATTON, Judge

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PER CURIAM

Dillen James Endres pled guilty to two counts of aggravated assault with an enhancement for the use of a firearm, Idaho Code §§ 18-901(a), 19-2520, 18-905(1)(b); second degree arson, I.C. § 18-803; and burglary, I.C. § 18-1401. The district court imposed concurrent unified sentences of sixteen years, with eight years determinate, for each count of aggravated assault; three years determinate for second degree arson; and five years, with three years determinate, for burglary. Endres filed an Idaho Criminal Rule 35 motion. The district court issued a notice of intent to dismiss, allowing Endres time to provide additional information in support of his

motion. Endres failed to file any additional information, and thus the district court dismissed the Rule 35 motion. Endres 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 Endres's Rule 35 motion was presented, the district court did not abuse its discretion. For the foregoing reasons, the district court's order dismissing Endres's Rule 35 motion is affirmed.