

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42835

STATE OF IDAHO,) 2015 Unpublished Opinion No. 667
)
Plaintiff-Respondent,) Filed: October 21, 2015
)
v.) Stephen W. Kenyon, Clerk
)
CARSON MICHAEL COX,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Lynn G. Norton, District Judge.

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

Sara B. Thomas, State Appellate Public Defender; Brian R. Dickson, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Carson Michael Cox pled guilty to possession of a controlled substance. I.C. § 37-2732(c). in exchange for his guilty plea, an additional charge was dismissed. The district court sentenced Cox to a unified term of seven years, with a minimum period of confinement of two years. The district court retained jurisdiction two times and Cox served several periods of probation. Ultimately, after violating his probation, the district court revoked probation and ordered execution of Cox's original sentence. Cox filed an I.C.R 35 motion, which the district court denied. Cox 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 Cox's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Cox's Rule 35 motion is affirmed.