

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44787

STATE OF IDAHO, ) 2017 Unpublished Opinion No. 631  
)  
Plaintiff-Respondent, ) Filed: October 26, 2017  
)  
v. ) Karel A. Lehrman, Clerk  
)  
KARL R. BASSETT, ) THIS IS AN UNPUBLISHED  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 Seventh Judicial District, State of Idaho, Bingham County. Hon. Darren B. Simpson, District Judge.

Order denying Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Sally J. Cooley, 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 GRATTON, Chief Judge; GUTIERREZ, Judge;  
and HUSKEY, Judge

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PER CURIAM

Karl R. Bassett pled guilty to manufacturing marijuana, Idaho Code § 37-2732(a)(1)(B). The district court withheld judgment and placed Bassett on supervised probation. Bassett violated his probation, and the district court revoked the withheld judgment; imposed a unified sentence of five years, with a minimum period of confinement of two years; and reinstated Bassett on supervised probation. Following a second probation violation, Bassett was continued on supervised probation, with the condition that he successfully complete Drug Court. Bassett was suspended from Drug Court in violation of his probation. The district court revoked probation and executed the underlying sentence, but retained jurisdiction. Following the period

of retained jurisdiction, the district court relinquished jurisdiction. Bassett filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Bassett 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 Bassett's Rule 35 motion was presented, the district court did not abuse its discretion. For the foregoing reasons, the district court's order denying Bassett's Rule 35 motion is affirmed.