

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 44998/44999

STATE OF IDAHO,) 2017 Unpublished Opinion No. 603
)
Plaintiff-Respondent,) Filed: October 4, 2017
)
v.) Karel A. Lehrman, Clerk
)
JACOB LEWIS STANTON,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)
_____)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Dane H. Watkins Jr., District Judge.

Orders denying Idaho Criminal Rule 35 motions for reduction of sentences, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

In cases consolidated on appeal, Jacob Lewis Stanton pled guilty to one count of possession of methamphetamine, Idaho Code § 37-2732(c)(1), in each case. The district court imposed concurrent unified sentences of four years, with two years determinate, and retained jurisdiction. Stanton filed Idaho Criminal Rule 35 motions for reduction of his sentences, which the district court denied. Stanton 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 Stanton's Rule 35 motions was presented, the district court did not abuse its discretion. For the foregoing reasons, the district court's orders denying Stanton's Rule 35 motions are affirmed.