

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45868

STATE OF IDAHO,)
) Filed: November 8, 2018
 Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
 v.)
) THIS IS AN UNPUBLISHED
 JAMES MICHAEL CONNER, III,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
 Defendant-Appellant.)
)
 _____)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Minidoka County. Hon. Jonathan P. Brody, 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.

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

PER CURIAM

James Michael Conner, III, pled guilty to burglary, Idaho Code § 18-1401. In exchange for his guilty plea, additional charges were dismissed. The district court imposed a unified sentence of ten years, with a minimum period of confinement of five years. The district court retained jurisdiction, and Conner was sent to participate in the rider program.

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