

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46399

STATE OF IDAHO,	)
	) <b>Filed: May 29, 2019</b>
<b>Plaintiff-Respondent,</b>	)
	) <b>Karel A. Lehrman, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
LOGAN D. GLENN,	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
<b>Defendant-Appellant.</b>	)
_____	)

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

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

Eric D. Fredericksen, State Appellate Public Defender; Reed P. Anderson, Deputy Appellate Public Defender, Boise, for appellant.

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

---

Before HUSKEY, Judge; LORELLO, Judge;  
and BRAILSFORD, Judge

---

PER CURIAM

Logan D. Glenn pled guilty to one count of kidnapping in the second degree, Idaho Code §§ 18-4501, 18-4503, and one count of unlawful possession of a firearm, I.C. § 18-3316. In exchange for his guilty plea, additional charges were dismissed. The district court imposed a unified sentence of twenty years with five years determinate for second degree kidnapping and a concurrent sentence of five years indeterminate for unlawful possession of a firearm. Glenn filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Glenn appeals.

A motion for reduction of sentence under Rule 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 Glenn's Rule 35 motion was presented, the district court did not abuse its discretion. For the foregoing reasons, the district court's order denying Glenn's Rule 35 motion is affirmed.