

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46717

STATE OF IDAHO,)
) Filed: August 5, 2019
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
AMANDA DIANE STINSON,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Steven Hippler, District Judge.

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

Eric D. Fredericksen, 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 GRATTON, Chief Judge; HUSKEY, Judge;
and BRAILSFORD, Judge

PER CURIAM

Amanda Diane Stinson pled guilty to grand theft of a leased or rented automobile. Idaho Code §§ 18-2403(5)(b), 18-2407, 18-2409. The district court sentenced Stinson to a unified term of five years with two years determinate. Stinson filed an Idaho Criminal Rule 35 motion for a reduction of sentence, which the district court denied. Mindful of the requirement to provide new or additional information in support of an I.C.R. 35 motion, Stinson appeals asserting that the district court abused its discretion by denying her I.C.R. 35 motion, and requests that this Court reduce her sentence or remand this case for a new hearing on her Rule 35 motion.

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 information in support of Stinson's Rule 35 motion was presented, the district court did not abuse its discretion. For the foregoing reasons, the district court's order denying Stinson's Rule 35 motion is affirmed.