

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 48411/48412

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 LANCE JAMES PARRY,)
)
 Defendant-Appellant.)
)
)
)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Robert C. Naftz, District Judge.

Orders denying I.C.R. 35 motions for reduction in sentences, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jacob L. Westerfield, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

In these consolidated appeals, Lance James Parry pled guilty to one count of lewd conduct with a minor child, Idaho Code 18-1508 (Docket No. 48411), and one count of sexual battery of a minor child, I.C. § 18-1508A(1)(a) (Docket No. 48412). The district court sentenced Parry to twenty-eight years, with eight years determinate for lewd conduct with a child under sixteen and twenty-eight years, with eight years determinate for sexual battery of a minor child, to be served consecutively. Parry filed Idaho Criminal Rule 35 motions, which the district court denied. Parry appeals asserting that the district court abused its discretion by denying his Rule 35 motions.

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 Parry's Rule 35 motions was presented, the district court did not abuse its discretion. For the foregoing reasons, the district court's orders denying Parry's Rule 35 motions are affirmed.