

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52671

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, )  
 )  
 v. )  
 )  
 MICHAEL BOYD BROOKBANK, )  
 )  
 Defendant-Appellant. )  
 )  
 )

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Lincoln County. Hon. Ned C. Williamson, District Judge.

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

Erik R. Lehtinen, State Appellate Public Defender; Kiley A. Heffner, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

Before GRATTON, Judge; HUSKEY, Judge;  
and LORELLO, Judge

PER CURIAM

Michael Boyd Brookbank pled guilty to felony driving under the influence. I.C. § 18-8005(9). In exchange for his guilty plea, additional charges were dismissed including an allegation that he is a persistent violator. The district court sentenced Brookbank to a unified term of ten years, with a minimum period of confinement of seven years. Brookbank filed an I.C.R. 35 motion, which the district court denied. Brookbank appeals, arguing that the district court erred in denying his Rule 35 motion.

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). Upon review of the record, including any new information submitted with Brookbank's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Brookbank's Rule 35 motion is affirmed.