

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41166

STATE OF IDAHO,)	2014 Unpublished Opinion No. 453
)	
Plaintiff-Respondent,)	Filed: April 16, 2014
)	
v.)	Stephen W. Kenyon, Clerk
)	
DONALD ROBERT RASOR,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the First Judicial District, State of Idaho, Bonner County. Hon. Barbara A. Buchanan, District Judge.

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

Sara B. Thomas, 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 GUTIERREZ, Chief Judge; LANSING, Judge;
and GRATTON, Judge

PER CURIAM

Donald Robert Rasor was convicted of burglary, Idaho Code § 18-1401; and attempted grand theft, I.C. §§ 18-2403(1), 18-2407(1)(b)(6), 18-306. The district court sentenced Rasor to concurrent unified sentences of five years with two years determinate. Rasor filed an Idaho Criminal Rule 35 motion, which the district court denied. Rasor 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 information in support of Rasor's Rule 35 motion was presented, review of the sentence by this Court is precluded. For the foregoing reasons, the district court's order denying Rasor's Rule 35 motion is affirmed.