

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 38265

STATE OF IDAHO,)	2011 Unpublished Opinion No. 585
)	
Plaintiff-Respondent,)	Filed: August 23, 2011
)	
v.)	Stephen W. Kenyon, Clerk
)	
RANDY LOUIS CANNON, JR.,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Richard D. Greenwood, District Judge.

Judgment of conviction and unified sentence of fifteen years, with a minimum period of confinement of two years, for robbery, affirmed.

Molly J. Huskey, State Appellate Public Defender; Sarah E. Tompkins, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

Before LANSING, Judge; GUTIERREZ, Judge;
and MELANSON, Judge

PER CURIAM

Randy Louis Cannon, Jr. pled guilty to robbery. I.C. § 18-6501, 18-6502. The district court sentenced Cannon to a unified term of fifteen years, with a minimum period of confinement of two years. The district court retained jurisdiction and Cannon was sent to participate in the rider program. Thereafter, the district court relinquished jurisdiction. Cannon filed an I.C.R. 35 motion, which the district court denied. Cannon 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). Upon review of the record, including the new information submitted with Cannon's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Cannon's Rule 35 motion is affirmed.