

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 38585

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| STATE OF IDAHO, |) | 2012 Unpublished Opinion No. 301 |
| |) | |
| Plaintiff-Respondent, |) | Filed: January 3, 2012 |
| |) | |
| v. |) | Stephen W. Kenyon, Clerk |
| |) | |
| BRENT ALAN THOMPSON, |) | THIS IS AN UNPUBLISHED |
| |) | OPINION AND SHALL NOT |
| Defendant-Appellant. |) | BE CITED AS AUTHORITY |
| |) | |

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Juneal C. Kerrick, District Judge.

Order denying Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Elizabeth Ann Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Brent Alan Thompson pled guilty to possession of a controlled substance. Idaho Code § 37-2732(c)(1). The district court sentenced Thompson to a unified term of seven years, with four years determinate. Thompson filed an Idaho Criminal Rule 35 motion, which the district court denied. Thompson 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 Thompson's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Thompson's Rule 35 motion is affirmed.