

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 38551

STATE OF IDAHO,	)	2011 Unpublished Opinion No. 589
	)	
Plaintiff-Respondent,	)	Filed: August 23, 2011
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
MELVIN DEWAYNE PERKINS,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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

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

Molly J. Huskey, State Appellate Public Defender; Jason C. Pintler, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Russell J. Spencer, Deputy Attorney General, Boise, for respondent.

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Before GRATTON, Chief Judge; LANSING, Judge;  
and MELANSON, Judge

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PER CURIAM

Melvin Dewayne Perkins pled guilty to injury to a child. Idaho Code § 18-1501(1). The district court sentenced Perkins to seven years with two years determinate. Perkins filed an Idaho Criminal Rule 35 motion, which the district court denied. Perkins appeals asserting that the district court abused its discretion by failing to reduce his unified sentence in light of mitigating circumstances.

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 Perkins'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 Perkins's Rule 35 motion is affirmed.