IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44304

STATE OF IDAHO,) 2017 Unpublished Opinion No. 365
Plaintiff-Respondent,) Filed: February 10, 2017
v.) Stephen W. Kenyon, Clerk
ZACHARY ERIC WILLIAMS,) THIS IS AN UNPUBLISHED
Defendant-Appellant.	OPINION AND SHALL NOTBE CITED AS AUTHORITY
)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Dane H. Watkins, Jr., District Judge.

Order denying Idaho Criminal Rule 35 motion, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Sally J. Cooley, Deputy Appellate Public Defender, Boise, for appellant.

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

Before GUTIERREZ, Judge; MELANSON, Judge; and HUSKEY, Judge

PER CURIAM

Zachary Eric Williams pleaded guilty to possession of a controlled substance, I.C. § 37-2732(c)(1). The district court sentenced Williams to a unified four-year sentence, with two years determinate, suspended the sentence, and placed Williams on probation. Williams admitted violating the terms of his probation and the district court revoked probation, executed the underling sentence, and retained jurisdiction. Following Williams' period of retained jurisdiction, the district court suspended the sentence, and placed Williams on probation. Once again, Williams admitted to violating the terms of probation, and the district court consequently revoked probation and ordered execution of the original sentence. Williams filed an Idaho

Criminal Rule 35 motion which the district court denied. Williams appeals, contending the district court abused its discretion in denying his I.C.R. 35 motion.

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 an I.C.R. 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 an I.C.R. 35 motion cannot be used as a vehicle to review the underlying sentence absent the presentation of new information. *Id.* Because no new or additional information in support of Williams' I.C.R. 35 motion was presented, the district court did not abuse its discretion.

For the foregoing reasons, the district court's order denying Williams' I.C.R. 35 motion is affirmed.