

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42620

STATE OF IDAHO,) 2015 Unpublished Opinion No. 498
)
Plaintiff-Respondent,) Filed: May 22, 2015
)
v.) Stephen W. Kenyon, Clerk
)
LAURIE MARIE MARTIN,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)
_____)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Joel E. Tingey, 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 MELANSON, Chief Judge; GUTIERREZ, Judge;
and GRATTON, Judge

PER CURIAM

Laurie Marie Martin pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). The district court sentenced Martin to a unified term of seven years, with a minimum period of confinement of two years. The district court suspended the sentence and placed Martin on probation. Martin subsequently violated the terms of her probation. The district court revoked probation, ordered execution of the sentence, but retained jurisdiction and sent Martin to participate in the retained jurisdiction program. Martin completed her rider and the district court again placed Martin on probation. Thereafter, Martin admitted to violating her probation. The district court revoked probation and ordered execution of her original sentence.

Martin filed an I.C.R. 35 motion for reduction of sentence, which the district court denied. Martin 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 any new information submitted with Martin's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Martin's Rule 35 motion is affirmed.