

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41238

STATE OF IDAHO,)	2014 Unpublished Opinion No. 405
)	
Plaintiff-Respondent,)	Filed: March 10, 2014
)	
v.)	Stephen W. Kenyon, Clerk
)	
TERESA LEE MARRONE, aka)	THIS IS AN UNPUBLISHED
TOLLMAN,)	OPINION AND SHALL NOT
)	BE CITED AS AUTHORITY
Defendant-Appellant.)	
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Melissa Moody, District Judge.

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

Sara B. Thomas, State Appellate Public Defender; Sally J. Cooley, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Teresa Lee Marrone was convicted of operating a motor vehicle while under the influence of alcohol, Idaho Code §§ 18-8004, 18-8005(5); one count of injury to a child, I.C. § 18-1501(3); and one count of resisting and obstructing officers, I.C. § 18-705. The district court imposed an eight-year sentence with two years determinate on the DUI charge, suspended the sentence, and placed Marrone on probation. Subsequently, Marrone admitted to violating several terms of the probation, and the district court consequently revoked probation and ordered execution of the original sentence. Marrone filed an Idaho Criminal Rule 35 motion, which the district court denied. Marrone appeals from the denial of that 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 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 Marrone's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Marrone's Rule 35 motion is affirmed.