

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42407

STATE OF IDAHO,) 2015 Unpublished Opinion No. 324
)
Plaintiff-Respondent,) Filed: January 27, 2015
)
v.) Stephen W. Kenyon, Clerk
)
CRYSTAL SPRING LEE,) THIS IS AN UNPUBLISHED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. Christopher S. Nye, District Judge.

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

Sara B. Thomas, State Appellate Public Defender; Maya P. Waldron, 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

Crystal Spring Lee pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). The district court sentenced Lee to a unified term of four years, with a minimum period of confinement of two years. However, the district court retained jurisdiction and sent Lee to participate in the rider program. Thereafter, the district court relinquished jurisdiction and ordered execution of Lee's original sentence. Lee filed an I.C.R 35 motion, which the district court denied. Lee 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 Lee's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Lee's Rule 35 motion is affirmed.