IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42720

d Opinion No. 565
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Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Jon J. Shindurling, District Judge.

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

Sara B. Thomas, State Appellate Public Defender; Ben P. McGreevy, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Tammy Lynn Moore pled guilty to possession of methamphetamine. Idaho Code § 37-2732(c)(1). The district court sentenced Moore to a unified term of five years with two years determinate, and retained jurisdiction. Following the period of retained jurisdiction, the district court relinquished jurisdiction and executed the original sentence. Moore filed an Idaho Criminal Rule 35 motion for a reduction of sentence, which the district court denied. Moore appeals asserting that the district court abused its discretion by denying her Rule 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 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 Moore's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Moore's Rule 35 motion is affirmed.