

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44409

STATE OF IDAHO,	)	2017 Unpublished Opinion No. 391
	)	
Plaintiff-Respondent,	)	Filed: March 7, 2017
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
JAMIE ANN FRY,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the First Judicial District, State of Idaho, Bonner County. Hon. Barbara A. Buchanan, District Judge.

Order denying Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, 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.

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

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PER CURIAM

Jamie Ann Fry was found guilty of possession of methamphetamine, Idaho Code § 37-2732(c)(1). The district court imposed a unified sentence of two years, with a minimum period of confinement of one year, and retained jurisdiction. Fry filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Fry 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). An appeal from the denial of a Rule 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 Fry's Rule 35 motion was presented, the district court did not abuse its discretion. For the foregoing reasons, the district court's order denying Fry's Rule 35 motion is affirmed.