

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44448

STATE OF IDAHO,) 2017 Unpublished Opinion No. 415
)
Plaintiff-Respondent,) Filed: March 22, 2017
)
v.) Stephen W. Kenyon, Clerk
)
JYLL BENTLEY,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)
_____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Patrick H. Owen, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Reed P. Anderson, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Jyll Bentley pled guilty to possession of a controlled substance. I.C. § 32-3732(c). In exchange for her guilty plea, an additional charge was dismissed and the state agreed not to pursue an allegation that Bentley was a persistent violator. The district court sentenced Bentley to a unified term of seven years, with a minimum period of confinement of two years, to run concurrent with an unrelated sentence. Bentley filed an I.C.R 35 motion, which the district court denied. Bentley 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 Bentley's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Bentley's Rule 35 motion is affirmed.