

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 46310/46311/46329/46330

STATE OF IDAHO,)
)
) **Filed: November 21, 2019**
)
) **Plaintiff-Respondent,**)
) **Karel A. Lehrman, Clerk**
)
) **v.**)
) **THIS IS AN UNPUBLISHED**
) **JESSICA JEAN IBARRA,**) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)
)

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Christopher Nye, District Judge.

Orders denying Idaho Criminal Rule 35 motions for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Brian R. Dickson, Deputy Appellate Public Defender, Boise, for appellant.

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

Before GRATTON, Chief Judge; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

In cases consolidated for appeal, Jessica Jean Ibarra was found guilty of possession of methamphetamine (Docket No. 46310), Idaho Code § 37-2732(c)(1); introduction of major contraband into a correctional facility (Docket No. 46311), I.C. § 18-2510(3); possession of cocaine, with an enhancement for a second or subsequent drug offense (Docket No. 46329), I.C. § 37-2732(c)(1); and unlawful possession of a firearm (Docket No. 46330), I.C. § 18-3316. The district court imposed sentences of seven years determinate for possession of methamphetamine; five years indeterminate for introduction of major contraband into a correctional facility; fourteen years with six and one-half years determinate for possession of cocaine; and five years indeterminate for unlawful possession of a firearm. Ibarra filed Idaho

Criminal Rule 35 motions for reduction of her sentences in each case, which the district court denied. Following post-conviction proceedings, the district court reentered its orders denying Ibarra's Rule 35 motions to allow Ibarra to timely file appeals from the denial of her Rule 35 motions. Ibarra appeals, contending the district court abused its discretion in denying her Rule 35 motions.

A motion for reduction of sentence under Rule 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 Ibarra's Rule 35 motions was presented, the district court did not abuse its discretion. For the foregoing reasons, the district court's orders denying Ibarra's Rule 35 motions are affirmed.