

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46574

STATE OF IDAHO,)
) **Filed: August 30, 2019**
) **Plaintiff-Respondent,**)
) **Karel A. Lehrman, Clerk**
v.)
) **THIS IS AN UNPUBLISHED**
LESTER LAUREL JONES,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Madison County. Hon. Gregory Moeller, District Judge.

Order denying Idaho Criminal Rule 35 motion, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Ben McGreevy, 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; HUSKEY, Judge;
and BRAILSFORD, Judge

PER CURIAM

Lester Laurel Jones pleaded guilty to statutory rape, Idaho Code § 18-6101(1). The district court imposed a unified thirty-year sentence, with ten years determinate. Jones filed an Idaho Criminal Rule 35 motion, which the district court denied. Jones appealed, and the district court affirmed Jones’s judgment of conviction and sentence. *State v. Jones*, Docket No. 40863 (Ct. App. Jan. 24, 2014) (unpublished).

Jones filed a petition for post-conviction relief, which the district court denied. Jones appealed, and this Court affirmed the denial of his post-conviction petition. *Jones v. State*, Docket No. 44529 (Ct. App. July 18, 2017) (unpublished). More than four years later, Jones filed a second Rule 35 motion entitled “Motion for Correction of Illegal Sentencing by Means of

Violations of Sentencing Procedure and PSI Consideration,” which the district court denied. Jones appeals.

In *State v. Clements*, 148 Idaho 82, 86, 218 P.3d 1143, 1147 (2009), the Idaho Supreme Court held that the term “illegal sentence” under Rule 35 is narrowly interpreted as a sentence that is illegal from the face of the record, i.e., does not involve significant questions of fact or require an evidentiary hearing. Rule 35 is a “narrow rule,” and because an illegal sentence may be corrected at any time, the authority conferred by Rule 35 should be limited to uphold the finality of judgments. *State v. Farwell*, 144 Idaho 732, 735, 170 P.3d 397, 400 (2007). Idaho Criminal Rule 35 is not a vehicle designed to reexamine the facts underlying the case to determine whether a sentence is illegal; rather, the rule only applies to a narrow category of cases in which the sentence imposes a penalty that is simply not authorized by law or where new evidence tends to show that the original sentence was excessive. *Clements*, 148 Idaho at 86, 218 P.3d at 1147. The record supports the district court’s finding that Jones’s sentence was not illegal.

The district court properly denied Jones’s motion. Accordingly, we conclude no abuse of discretion has been shown and the district court’s order denying Jones’s Rule 35 motion is affirmed.