

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46685

STATE OF IDAHO,	)
	) <b>Filed: October 8, 2019</b>
<b>Plaintiff-Respondent,</b>	)
	) <b>Karel A. Lehrman, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
ALICIA MONIQUE TORRES,	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
<b>Defendant-Appellant.</b>	)
_____	)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Lansing Haynes, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Jason C. Pintler, 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; LORELLO, Judge;  
and BRAILSFORD, Judge

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PER CURIAM

Alicia Monique Torres pled guilty to possession of methamphetamine, Idaho Code § 37-2732(c)(1). In exchange for her guilty plea, additional charges were dismissed. The district court imposed a unified sentence of five years with two years determinate, suspended the sentence, and placed Torres on probation. A few months later, Torres admitted to violating the terms of her probation, and the district court extended her probation, adding the condition that Torres complete the Good Samaritan Program. Torres subsequently violated the terms of her probation by leaving the Good Samaritan Program and absconding supervision. More than a year later, Torres admitted to her probation violations, and the district court revoked probation

and ordered execution of the underlying sentence. Torres filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Torres appeals.

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). Upon review of the record, including any new information submitted with Torres's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Torres's Rule 35 motion is affirmed. Because we affirm the denial on the merits, we need not consider the State's argument that Torres invited the error.