

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46759

STATE OF IDAHO,)
) **Filed: September 12, 2019**
) **Plaintiff-Respondent,**)
) **Karel A. Lehrman, Clerk**
 v.)
) **THIS IS AN UNPUBLISHED**
 TRACY LOREN WORKMAN,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Richard S. Christensen, District Judge.

Order denying I.C.R. 35 motion for correction of an illegal sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Ben P. 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 LORELLO, Judge

PER CURIAM

In 2015, Tracy Loren Workman was convicted of trafficking in heroin (Idaho Code § 37-2732B(a)(6)(A)), and two counts of possession of a controlled substance (I.C. § 37-2732(c)(1)). The district court sentenced Workman to a unified term of sixteen years with five years determinate for trafficking in heroin and a unified term of seven years with five years determinate for both of the two possession charges. In December 2018, Workman filed an Idaho Criminal Rule 35(a) motion for correction of an illegal sentence which the district court denied. Mindful of the applicable authorities, Workman asserts the district court erred when it denied his Rule 35(a) motion.

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). 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 is excessive. *Clements*, 148 Idaho at 86, 218 P.3d at 1147.

The record supports the district court’s finding that Workman’s sentence is not illegal. Therefore, the district court properly denied Workman’s motion. Accordingly, we conclude no abuse of discretion has been shown and the district court’s order denying Workman’s Rule 35 motion is affirmed.