

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47052

STATE OF IDAHO,)
) Filed: February 12, 2020
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
RICKY J. O'SHEA,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Robert C. Naftz, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Ricky J. O’Shea pled guilty to possession of a controlled substance. Idaho Code § 37-2732(c)(1). The district court sentenced O’Shea to a unified term of five years with two years determinate and the court suspended the sentence and placed O’Shea on probation for a period of five years. Subsequently, O’Shea was found guilty of violating the terms of his probation and the district court revoked O’Shea’s probation but reduced the sentence to a four year term with two years determinate. O’Shea filed an untimely Idaho Criminal Rule 35 motion, which the district court denied, holding that the motion was untimely and the district court had previously reduced O’Shea’s sentence. O’Shea appeals asserting that the district court abused its discretion by denying O’Shea’s Rule 35 motion for reduction of sentence.

O'Shea's Rule 35 motion was not filed within fourteen days of the order revoking probation and was, therefore, untimely. I.C.R. 35(b). The district court's order denying O'Shea's Rule 35 motion is affirmed.