

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 47081/47082/47083

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: January 9, 2020**
)
 v.) **Karel A. Lehrman, Clerk**
)
 CHRISTOPHER MICHAEL RICKMAN,) **THIS IS AN UNPUBLISHED**
) **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. John T. Mitchell, District Judge.

Orders denying Idaho Criminal Rule 35 motions, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Andrea W. Reynolds, 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; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

In Docket No. 47081, Christopher Michael Rickman pleaded guilty to possession of a controlled substance, Idaho Code § 37-2732(c)(1), and was sentenced to a unified term of four years, with two years determinate. In 47082, Rickman pleaded guilty to grand theft, I.C. §§ 18-2403, -2407, and was sentenced to a unified term of seven years, with three years determinate, to be served concurrently. After a period of retained jurisdiction, the district court suspended the sentences and placed Rickman on probation. Subsequently, in 47083, Rickman pleaded guilty to possession of a controlled substance, I.C. § 37-2732(c)(1), and admitted to violating the terms of probation in 47081 and 47082. The district court extended Rickman’s probation in 47081 and 47082 for two years and added additional terms. Rickman violated the terms of his probation

when he failed to successfully complete drug court, and the court revoked probation in 47081 and 47082. In 47083, the district court imposed a unified term of seven years, with three years determinate, to run consecutively to his sentences in 47081 and 47082. Once again, the court retained jurisdiction and after the period of retained jurisdiction, suspended the sentences and placed Rickman on probation in all three cases. Again, Rickman admitted to violating the terms of his probation, and the district court revoked Rickman's probation, imposed the underlying sentences, and retained jurisdiction. Rickman successfully completed his rider, and the district court placed Rickman on probation. Rickman admitted to violating the terms of his probation, and the district court revoked probation and ordered execution of the original sentences. Rickman filed an Idaho Criminal Rule 35 motion in each case. Rickman did not provide any additional information in support of his I.C.R. 35 motions. The district court considered Rickman's motions and denied them. Rickman appeals.

Rickman's I.C.R. 35 motions were filed fifteen days after the revocation of his probation; one day too late to be considered for a motion to reduce a sentence following probation revocation. I.C.R. 35(b). Furthermore, a motion for reduction of sentence under I.C.R. 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 an I.C.R. 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 an I.C.R. 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 Rickman's I.C.R. 35 motions was presented, the district court did not abuse its discretion. For the foregoing reasons, the district court's order denying Rickman's I.C.R. 35 motions are affirmed.