

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47494

STATE OF IDAHO,	)
	) <b>Filed: April 28, 2020</b>
<b>Plaintiff-Respondent,</b>	)
	) <b>Karel A. Lehrman, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
AMELIA GUZMAN ROJAS,	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
<b>Defendant-Appellant.</b>	)
_____	)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Jonathan Medema, District Judge.

Judgment of conviction and unified sentence of fifteen years with five years determinate for felony operating a motor vehicle while under the influence of alcohol and a persistent violator enhancement, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Elizabeth A. Allred, 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

Amelia Guzman Rojas pled guilty to felony operating a motor vehicle while under the influence of alcohol, Idaho Code §§ 18-8004;18-8005(9), and a persistent violator enhancement, I.C. § 19-2514. The district court imposed a unified sentence of fifteen years with five years determinate. Rojas filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Rojas 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 Rojas's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Rojas's Rule 35 motion is affirmed.