

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47542

STATE OF IDAHO,)
)
) **Filed: May 11, 2020**
)
) **Karel A. Lehrman, Clerk**
)
) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
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Appeal from the District Court of the Seventh Judicial District, State of Idaho, Butte County. Hon. Darren B. Simpson, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Elizabeth Ann 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; GRATTON, Judge;
and LORELLO, Judge

PER CURIAM

Brent Warren Brandon pled guilty to felony domestic battery with traumatic injury, Idaho Code §§ 18-903(A), 18-918(2). The district court sentenced Brandon to a unified term of seven years with three years determinate. Brandon filed an Idaho Criminal 35 motion, which the district court denied. A few weeks later, Brandon filed a second Rule 35 motion for a reduction of sentence. The district court denied Brandon’s successive Rule 35 motion concluding that “Idaho Criminal Rule 35(b) does not allow for successive petitions for leniency.” Brandon appeals from the district court’s order denying his second Rule 35 motion.

Idaho Criminal Rule 35 provides that “[a] defendant may only file one motion seeking a reduction of sentence.” I.C.R. 35(b). In *State v. Hurst*, 151 Idaho 430, 439, 258 P.3d 950, 959

(Ct. App. 2011), this Court held that under the rule, “only a single motion for reduction of sentence, whether written or oral, is allowed.” This Court has also held that “the prohibition of successive motions under Rule 35 is a jurisdictional limit.” *State v. Bottens*, 137 Idaho 730, 733, 52 P.3d 875, 878 (Ct. App. 2002). For the foregoing reasons, the district court’s order denying Brandon’s Rule 35 motion is affirmed.