

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47765

STATE OF IDAHO, )  
 ) **Filed: November 24, 2020**  
 ) **Plaintiff-Respondent,** )  
 ) **Melanie Gagnepain, Clerk**  
 v. )  
 ) **THIS IS AN UNPUBLISHED**  
 ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 ) **FLORINDA L.I.M.C. HERRERA,** )  
 ) **Defendant-Appellant.** )  
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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Sally J. Cooley, Deputy Appellate Public Defender, Boise, for appellant.

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

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

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PER CURIAM

Florinda L.I.M.C. Herrera was found guilty of possession of a controlled substance. I.C. § 37-2732(c). The district court sentenced Herrera to a unified term of four years, with a minimum period of confinement of two years. The district court suspended Herrera's sentence and placed her on probation. Thereafter, Herrera admitted to violating the terms of her probation. The district court revoked probation and ordered execution of Herrera's sentence. Herrera filed an I.C.R. 35 motion for reduction of her sentence, which the district court denied. Herrera appeals, arguing that the district court erred in denying her Rule 35 motion.

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 Herrera's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Herrera's Rule 35 motion is affirmed.