

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47824

STATE OF IDAHO, )  
 ) Filed: February 22, 2021  
 Plaintiff-Respondent, )  
 ) Melanie Gagnepain, Clerk  
 v. )  
 ) THIS IS AN UNPUBLISHED  
 JESSICA MARIE RICKS, ) OPINION AND SHALL NOT  
 ) BE CITED AS AUTHORITY  
 Defendant-Appellant. )  
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 )

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Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Rick Carnaroli, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Jacob L. Westerfield, 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 GRATTON, Judge; LORELLO, Judge;  
and BRAILSFORD, Judge

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PER CURIAM

Jessica Marie Ricks pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). The district court sentenced Ricks to a unified term of four years, with a minimum period of confinement of two years. The district court retained jurisdiction, sent Ricks to participate in the rider program, and later suspended her sentence and placed her on probation. Ricks thereafter violated the terms of her probation. The district court revoked probation and ordered execution of her original sentence. Ricks filed an I.C.R. 35 motion for reduction of her sentence, which the district court denied. Ricks 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 Ricks' Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Ricks' Rule 35 motion is affirmed.