

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47965

STATE OF IDAHO,)
) **Filed: March 1, 2021**
 Plaintiff-Respondent,)
) **Melanie Gagnepain, Clerk**
 v.)
) **THIS IS AN UNPUBLISHED**
 SHERRI LYNN WASTWEET,) **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. Scott Wayman, District Judge.

Order denying Idaho Criminal Rule 35(b) motion for reduction of sentence, affirmed.

Nevin, Benjamin, McKay & Bartlett LLP; Dennis Benjamin, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kale D. Gans, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Sherrí Lynn Wastweet pled guilty to conspiracy to intimidate a witness, Idaho Code § 18-2604(3). In exchange for her guilty plea, an additional charge was dismissed. The district court imposed a unified five-year sentence with two years determinate. Wastweet filed an Idaho Criminal Rule 35(b) motion for reduction of sentence, which the district court denied. Wastweet appeals.

A motion for reduction of sentence under Rule 35(b) 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 Wastweet's Rule 35(b) motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Wastweet's Rule 35(b) motion is affirmed.