

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 48101 & 48102

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, ) **Filed: April 12, 2021**  
 )  
 v. ) **Melanie Gagnepain, Clerk**  
 ) **THIS IS AN UNPUBLISHED**  
 MICKI MARIE JAMES, ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 Defendant-Appellant. )  
 )  
 \_\_\_\_\_ )

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Roger B. Harris, District Judge.

Orders denying Idaho Criminal Rule 35 motions, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kimberly Coster, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; John C. McKinney, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Micki Marie James has two cases in this consolidated appeal. In 2015, in Docket No. 48101, James pleaded guilty to possession of a controlled substance, Idaho Code § 37-2732(c)(1), and the district court imposed a unified six-year sentence, with three years determinate, suspended the sentence and placed James on probation. In 2018, in Docket No. 48102, James pleaded guilty to a second possession of a controlled substance charge, I.C. § 37-2732(c)(1), and the district court imposed a unified six-year sentence, with three years determinate, to run concurrently with her sentence in Docket No. 48101. In Docket No. 48101, James admitted to violating the terms of her probation, and the district court issued an order revoking James' probation and imposing her previously suspended sentence. The district court retained jurisdiction

in each case. Following her period of retained jurisdiction, the district court relinquished jurisdiction. James filed an Idaho Criminal Rule 35 motion in each case, which the district court denied. James appeals.

A motion for reduction of sentence under I.C.R. 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 an I.C.R. 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 James' I.C.R. 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's orders denying James' I.C.R. 35 motions are affirmed.