

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48576

STATE OF IDAHO,	)
	) <b>Filed: September 21, 2021</b>
<b>Plaintiff-Respondent,</b>	)
	) <b>Melanie Gagnepain, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
<b>HALEY MARIE MOERI,</b>	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
<b>Defendant-Appellant.</b>	)
_____	)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael J. Reardon, District Judge.

Order granting in part and denying in part Idaho Criminal Rule 35 motion for modification of sentence and for a withheld judgment, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Emily M. Joyce, 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

Haley Marie Moeri pled guilty to one count of grand theft, Idaho Code §§ 18-2403(1), 18-2407(1)(b), 18-2409, and 18-204. The district court imposed a unified sentence of three years with six months determinate, suspended the sentence, and placed Moeri on probation. As a condition of probation, Moeri was to immediately serve ninety days in jail, with the potential of work release after the first forty-five days. Moeri filed an Idaho Criminal Rule 35 motion, requesting that she be permitted to serve forty-five days in home confinement because the work release program was not currently operating. Moeri also requested a withheld judgment. The

district court held a hearing on the motion, suspended the jail time, and denied the request for a withheld judgment. Moeri appeals the denial of her request for a withheld judgment.

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