

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49989

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: April 12, 2023**
)
 v.) **Melanie Gagnepain, Clerk**
)
 JOSEPH PATRICK BROLLIER,) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
 _____)

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

Order denying Idaho Criminal Rule 35 motion, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Andrew V. Wake, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Joseph Patrick Brollier pleaded guilty to felony operating a motor vehicle while under the influence of alcohol, Idaho Code §§ 18-8004, -8005(6). The district court imposed a unified sentence of ten years, with a minimum period of incarceration for three years, suspended the sentence, and placed Brollier on a term of probation. Brollier subsequently admitted to violating the terms of his probation, and the district court consequently revoked probation and executed Brollier’s previously suspended sentence. Brollier filed an untimely Idaho Criminal Rule 35 motion, which the district court denied. On appeal, “[m]indful that his motion was not timely filed, he asserts that the district court abused its discretion when it denied his Rule 35 motion.”

A district court may reduce a sentence on a motion made within fourteen days of an order revoking probation. I.C.R. 35(b). The filing limitations are jurisdictional and, unless filed within the period prescribed, a district court lacks jurisdiction to grant relief. *State v. Thomas*, 161 Idaho 898, 899, 392 P.3d 1239, 1240 (Ct. App. 2017). Because Brollier's motion was filed more than fourteen days after entry of the order revoking his probation, the district court lacked jurisdiction to consider it. Accordingly, we do not address the merits of Brollier's Rule 35 motion. Therefore, the district court's order denying Brollier's Rule 35 motion is affirmed.