

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50521

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, ) **Filed: August 18, 2023**  
 )  
 v. ) **Melanie Gagnepain, Clerk**  
 ) **THIS IS AN UNPUBLISHED**  
 MATHUSELA SUGARLUMP GIBSON, ) **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 Fourth Judicial District, State of Idaho, Ada County. Hon. Samuel Hoagland, District Judge.

Order denying Idaho Criminal Rule 35 motion, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

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PER CURIAM

Mathusela Sugarlump Gibson pleaded guilty to possession of controlled substance, methamphetamine, Idaho Code § 37-2732(c)(1). The district court imposed a unified sentence of seven years, with a minimum period of incarceration of five years, and retained jurisdiction. Following his period of retained jurisdiction, the district court relinquished jurisdiction and executed the underlying sentence. Gibson filed an Idaho Criminal Rule 35 motion, which the district court denied. Gibson 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). An appeal from the denial of an I.C.R. 35 motion cannot be used as a vehicle to review the underlying sentence absent the presentation of new information. *Id.* Because no new or additional information in support of Gibson's I.C.R. 35 motion was presented, the district court did not abuse its discretion.

For the foregoing reasons, the district court's order denying Gibson's I.C.R. 35 motion is affirmed.