

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50872

STATE OF IDAHO, )  
 ) **Filed: March 20, 2024**  
 ) **Plaintiff-Respondent,** )  
 ) **Melanie Gagnepain, Clerk**  
 v. )  
 ) **THIS IS AN UNPUBLISHED**  
 STEVEN CAZARES SANCHEZ, ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 ) **Defendant-Appellant.** )  
 )

---

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Cassia County. Hon. Michael P. Tribe, District Judge.

Order denying I.C.R. 35 motion, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Sally J. Cooley, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Mark W. Olson, Deputy Attorney General, Boise, for respondent.

---

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

---

PER CURIAM

Steven Cazares Sanchez pled guilty to felony injury to child. Idaho Code § 18-1501(1). The district court sentenced Sanchez to a unified term of seven years with two years determinate, suspended the sentence and placed Sanchez on probation for thirty months. After violating his probation, the district court revoked probation and executed the underlying sentence. Sanchez filed an untimely Idaho Criminal Rule 35 motion, which the district court denied for lack of jurisdiction. Mindful that his Rule 35 motion was untimely, Sanchez appeals asserting that the district court abused its discretion by denying the motion.

A Rule 35 motion for leniency must be filed within 120 days of entry of the judgment of conviction, or within fourteen days after probation has been revoked. Idaho Criminal Rule 35(b).

“The filing limitations provided by Rule 35 are a jurisdictional limit on the authority of the court to consider the motion and, unless filed within the period, a district court lacks jurisdiction to grant any relief.” *State v. Thomas*, 161 Idaho 898, 899, 392 P.3d 1239, 1240 (Ct. App. 2017). Sanchez’s Rule 35 motion was filed two months after his probation was revoked. Sanchez’s motion, not being filed within fourteen days, was untimely. Therefore, the district court’s order denying Sanchez’s Rule 35 motion is affirmed.