

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50954

STATE OF IDAHO,)
) **Filed: July 8, 2024**
 Plaintiff-Respondent,)
) **Melanie Gagnepain, Clerk**
 v.)
) **THIS IS AN UNPUBLISHED**
 ANDREA JOYCE ALVAREZ,) **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. Darla Williamson, Senior District Judge.

Judgment of conviction and reduced unified sentence of five years and ten months, with a minimum period of confinement of one year and ten months, for grand theft, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Andrea Joyce Alvarez entered an *Alford*¹ plea to grand theft, Idaho Code §§ 18-2403(1), 18-2407(1)(b), 18-2409. The district court sentenced Alvarez to a unified term of six years with two years determinate and retained jurisdiction. At the retained jurisdiction review hearing, Alvarez requested her sentence be reduced pursuant to Idaho Criminal Rule 35. The district court relinquished jurisdiction and executed Alvarez’s reduced unified sentence of five years and ten

¹ See *North Carolina v. Alford*, 400 U.S. 25 (1970).

months with one year and ten months determinate. Alvarez appeals, arguing that the district court should have further reduced her sentence.

A motion for reduction of sentence under Idaho Criminal 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). In conducting our review of the grant or denial of a Rule 35 motion, we consider the entire record and apply the same criteria used for determining the reasonableness of the original sentence. *State v. Forde*, 113 Idaho 21, 22, 740 P.2d 63, 64 (Ct. App. 1987).

Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion in failing to further reduce Alvarez's sentence. Therefore, the district court's order relinquishing jurisdiction and reducing Alvarez's sentence is affirmed.