

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 51035/51036

STATE OF IDAHO,)	
)	Filed: August 29, 2024
Plaintiff-Respondent,)	
)	Melanie Gagnepain, Clerk
v.)	
)	THIS IS AN UNPUBLISHED
NEVAEH JO ANN SLUSHER,)	OPINION AND SHALL NOT
)	BE CITED AS AUTHORITY
Defendant-Appellant.)	
_____)	

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Darren B. Simpson, District Judge.

Orders denying Idaho Criminal Rule 35 motions, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Kiley A. Heffner, Deputy Appellate Public Defender, Boise, for appellant.

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

Before HUSKEY, Judge; LORELLO, Judge;
and TRIBE, Judge

PER CURIAM

This appeal involves two consolidated cases. In each case, Nevaeh Jo Ann Slusher entered a guilty plea to possession of a controlled substance, Idaho Code § 37-2732(c)(1). In exchange for her guilty plea, additional charges were dismissed. The district court imposed concurrent unified sentences of seven years, with a minimum period of incarceration of two years, for each conviction. Following a period of retained jurisdiction, the district court placed Slusher on a term of probation. Slusher violated her probation when she was terminated from treatment court. The district court revoked her probation and executed the previously suspended sentences. Slusher filed an Idaho Criminal Rule 35 motion in each case, which the district court denied. Mindful that she provided

no new information with her I.C.R. 35 motions, Slusher appeals and asserts the district court abused its discretion by denying her I.C.R. 35 motions

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 Slusher's I.C.R. 35 motions was presented, the district court did not abuse its discretion.

For the foregoing reasons, the district court's orders denying Slusher's I.C.R. 35 motions are affirmed.