

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51391

STATE OF IDAHO, )  
 )  
 ) **Filed: October 2, 2024**  
 )  
 ) **Plaintiff-Respondent,** )  
 ) **Melanie Gagnepain, Clerk**  
 )  
 ) **v.** )  
 ) **THIS IS AN UNPUBLISHED**  
 ) **MUSA ALI MBERWA,** ) **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. Jonathan Medema, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, 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.

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

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PER CURIAM

Musa Ali Mberwa pled guilty to conspiracy to commit robbery. Idaho Code §§ 18-6501, -6502, -1701. In exchange for his guilty plea, an additional charge was dismissed. The district court imposed a determinate sentence of six years to run consecutively to any other sentence Mberwa was currently serving. Mberwa filed an Idaho Criminal Rule 35 motion, which the district court denied. Mberwa 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 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).

Upon review of the record, including any new or additional information submitted with Mberwa's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Mberwa's Rule 35 motion is affirmed.