

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 51735/51736/51737

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 JOSEPHINE SANDRA HODGE,)
)
 Defendant-Appellant.)
)
)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. John T. Mitchell, District Judge.

Orders denying I.C.R. 35 motions for reduction of sentences, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Devin E. Harris, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

In Docket No. 51735, Josephine Sandra Hodge pled guilty to possession of a controlled substance (methamphetamine). Idaho Code § 37-2732(c)(1). The district court sentenced Hodge to a unified term of three years with one year determinate. In Docket No. 51736, Hodge pled guilty to possession of a controlled substance (heroin). I.C. § 37-2732(c)(1). The district court sentenced Hodge to a unified term of four years with two years determinate. In Docket No. 51737, Hodge pled guilty to possession of a controlled substance (heroin). I.C. § 37-2732(c)(1). The district court sentenced Hodge to a unified term of seven years with three years determinate. The district court ordered these sentences run consecutively and retained jurisdiction. Following the jurisdictional review hearing, Hodge was placed on probation for three years. Later, Hodge

admitted to violating probation and the court again retained jurisdiction. The district court ultimately relinquished jurisdiction and imposed Hodge's underlying sentences. Hodge filed Idaho Criminal Rule 35 motions in all three cases. Following a hearing, the district court denied all three motions. Hodge appeals, asserting that the district court abused its discretion by denying her Rule 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 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 information submitted with Hodge's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's orders denying Hodge's Rule 35 motions are affirmed.