

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51951

STATE OF IDAHO,)
) **Filed: March 28, 2025**
) **Plaintiff-Respondent,**) **Melanie Gagnepain, Clerk**
) **v.**) **THIS IS AN UNPUBLISHED**
) **DEBORAH ANNE MILLER,**) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)

Appeal from the District Court of the First Judicial District, State of Idaho, Shoshone County. Hon. Barbara A. Duggan, District Judge.

Order denying I.C.R. 35(b) motion, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Jenny C. Swinford, 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; HUSKEY, Judge;
and LORELLO, Judge

PER CURIAM

Deborah Anne Miller pled guilty to possession of a controlled substance. Idaho Code § 37-2732(c)(1). In exchange for her guilty plea, an additional charge was dismissed and the State agreed not to file any additional charges. The district court sentenced Miller to a unified term of four years with two years determinate and placed her on probation for two years. After violating her probation several times, the district court revoked her probation, executed her original sentence, and credited Miller for time served. Miller filed an Idaho Criminal Rule 35(b) motion, requesting that the district court reduce her sentence which the district court denied. Miller appeals asserting that the district court abused its discretion by denying her Rule 36(b) motion.

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 Miller's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Miller's Rule 35(b) motion is affirmed.