

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51975

STATE OF IDAHO,)
)
) **Filed: February 10, 2025**
)
) **Melanie Gagnepain, Clerk**
)
) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
)
)
)
)
)
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Joseph W. Borton, District Judge.

Order denying I.C.R. 35 motion, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Stacey M. Donohue, 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

Nancy Lee Lewis pled guilty to possession of a controlled substance (methamphetamine). Idaho Code § 37-2732(c). In exchange for her guilty plea, additional charges were dismissed. The district court sentenced Lewis to a unified term of seven years with one and one-half years determinate. Lewis filed an Idaho Criminal Rule 35 motion, which the district court denied. Lewis appeals asserting that the district court abused its discretion by denying the Rule 35 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). An appeal from the denial of a Rule 35 motion cannot be used as a vehicle to review the underlying sentence absent the presentation of new information. *Id.* Because no new information in support of Lewis's Rule 35 motion was presented, the district court did not abuse its discretion. For the foregoing reasons, the district court's order denying Lewis's Rule 35 motion is affirmed.