

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44055

STATE OF IDAHO, ) 2016 Unpublished Opinion No. 668  
 )  
Plaintiff-Respondent, ) Filed: September 2, 2016  
 )  
v. ) Stephen W. Kenyon, Clerk  
 )  
JOLENE MARIE CARUSO, ) THIS IS AN UNPUBLISHED  
 ) OPINION AND SHALL NOT  
Defendant-Appellant. ) BE CITED AS AUTHORITY  
 )  
\_\_\_\_\_ )

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

Order denying Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, Interim State Appellate Public Defender; Brian R. Dickson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Before MELANSON, Chief Judge; GUTIERREZ, Judge;  
and HUSKEY, Judge  
\_\_\_\_\_

PER CURIAM

Jolene Marie Caruso pled guilty to grand theft, Idaho Code §§ 18-2403(1), 18-2407(1)(b). In exchange for her guilty plea, an additional charge was dismissed. The district court imposed a unified sentence of ten years, with a minimum period of confinement of two years, and retained jurisdiction. Following the period of retained jurisdiction, the district court suspended Caruso's sentence and placed her on supervised probation. Subsequently, Caruso was found to have violated the terms of the probation, and the district court consequently revoked probation, ordered execution of the original sentence, and retained jurisdiction a second time. Following the second period of retained jurisdiction, the district court suspended Caruso's

sentence and again placed her on supervised probation. Caruso admitted to violating her probation and, at the disposition hearing, she made an oral Idaho Criminal Rule 35 motion for reduction of her sentence, which the district court denied. Caruso 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 information submitted with Caruso's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Caruso's Rule 35 motion is affirmed.