

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 41437

STATE OF IDAHO,)	2014 Unpublished Opinion No. 441
)	
Plaintiff-Respondent,)	Filed: April 9, 2014
)	
v.)	Stephen W. Kenyon, Clerk
)	
ELYZE MUNIQUE ZUNIGA,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Juneal C. Kerrick, District Judge.

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

Sara B. Thomas, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

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

Before LANSING, Judge; GRATTON, Judge;
and MELANSON, Judge

PER CURIAM

Elyze Munique Zuniga pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). The district court sentenced Zuniga to a unified term of six years, with a minimum period of confinement of two years, to run concurrent with an unrelated sentence. Zuniga filed an I.C.R 35 motion, which the district court denied. Zuniga 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 the new information submitted with Zuniga's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Zuniga's Rule 35 motion is affirmed.