

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 37663

STATE OF IDAHO,)	2011 Unpublished Opinion No. 524
)	
Plaintiff-Respondent,)	Filed: June 16, 2011
)	
v.)	Stephen W. Kenyon, Clerk
)	
DELIGHT GINA MOEMBERG,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bingham County. Hon. Darren B. Simpson, District Judge.

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

Molly J. Huskey, State Appellate Public Defender; Jordan E. Taylor, Deputy Appellate Public Defender, Boise, for appellant.

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

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

PER CURIAM

Delight Gina Moemberg pled guilty to felony driving under the influence. I.C. §§ 18-8004, 18-8005(7). In exchange for her guilty plea, the state dismissed an allegation that Moemberg was a persistent violator. The district court sentenced Moemberg to a unified term of ten years, with a minimum period of confinement of six years, but suspended the sentence and placed Moemberg on probation. Thereafter, Moemberg admitted to violating the terms of her probation. The district court revoked probation and ordered execution of Moemberg’s sentence. However, the district court reduced the sentence to a unified term of ten years, with a minimum period of confinement of five years. Moemberg filed an I.C.R 35 motion, which the district court denied. Moemberg 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 Moemberg's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Moemberg's Rule 35 motion is affirmed.