

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 48391 & 48392

STATE OF IDAHO,)
) **Filed: August 6, 2021**
) **Plaintiff-Respondent,**)
) **Melanie Gagnepain, Clerk**
 v.)
) **THIS IS AN UNPUBLISHED**
 JEPHY ALLEN BORDEN,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Cynthia K.C. Meyer, District Judge.

Orders denying I.C.R. 35 motions for reduction of sentences, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jacob L. Westerfield, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

Before HUSKEY, Chief Judge; GRATTON, Judge;
and LORELLO, Judge

PER CURIAM

In these consolidated cases, Jephy Allen Borden pled guilty to one count of felony eluding an officer, I.C. § 49-1404(2), and two counts of burglary, I.C. § 18-1401. In exchange for his guilty pleas, additional charges were dismissed. The district court sentenced Borden to a determinate term of five years for felony eluding an officer and unified terms of ten years, with minimum periods of confinement of five years, for the two counts of burglary. The district court ordered that Borden’s sentences be served concurrently. Borden filed I.C.R. 35 motions, which the district court denied. Borden appeals, arguing that the district court erred in denying his Rule 35 motions.

A motion for reduction of sentence under Rule 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 Borden's Rule 35 motions, we conclude no abuse of discretion has been shown. Therefore, the district court's orders denying Borden's Rule 35 motions are affirmed.