

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 50101 & 50102

STATE OF IDAHO,)
) Filed: October 10, 2023
 Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
 v.)
) THIS IS AN UNPUBLISHED
 JORGE LUIS BALDERAS,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
 Defendant-Appellant.)
)
)

Appeal from the District Court of the Seventh Judicial District, State of Idaho, Bonneville County. Hon. Bruce L. Pickett, District Judge.

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

Erik R. Lehtinen, Interim, State Appellate Public Defender; Jacob L. Westerfield, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

In these consolidated appeals, Jorge Luis Balderas pled guilty to second degree kidnapping, I.C. § 18-4501; aggravated battery, I.C. § 18-907; and intimidating a witness, I.C. § 18-2604. In exchange for his guilty pleas, additional charges were dismissed. The district court sentenced Balderas to a unified term of twenty-five years, with a minimum period of confinement of nine years, for second degree kidnapping; a concurrent, unified term of ten years, with a minimum period of confinement of two years, for aggravated battery; and a consecutive, indeterminate term of five years for intimidating a witness. Balderas filed I.C.R. 35 motions, which the district court

denied. Mindful that he did not provide any new or additional information, Balderas 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, we conclude no abuse of discretion has been shown. Therefore, the district court's orders denying Balderas's Rule 35 motions are affirmed.