

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50255

STATE OF IDAHO, )  
 ) Filed: November 22, 2023  
 Plaintiff-Respondent, )  
 ) Melanie Gagnepain, Clerk  
 v. )  
 ) THIS IS AN UNPUBLISHED  
 KURT ERIC JENSEN, ) OPINION AND SHALL NOT  
 ) BE CITED AS AUTHORITY  
 Defendant-Appellant. )  
 )  
 )

---

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Franklin County. Hon. Mitchell W. Brown, District Judge.

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

Erik R. Lehtinen, Interim State Appellate Public Defender; Kiley A. Heffner, 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

Kurt Eric Jensen pled guilty to felony driving under the influence. I.C. § 18-8005(9). In exchange for his guilty plea, additional charges were dismissed. The district court sentenced Jensen to a unified term of seven years, with a minimum period of confinement of three years. Jensen appealed his judgment of conviction and sentence and this Court affirmed in an unpublished opinion. *See State v. Jensen*, Docket No. 49429 (Ct. App. Oct. 28, 2022).

Jensen filed an I.C.R. 35 motion for reduction of his sentence, which the district court denied. Mindful that he did not submit any new or additional evidence, Jensen appeals, arguing that the district court erred in denying his Rule 35 motion.

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 order denying Jensen's Rule 35 motion is affirmed.