

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50366

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, ) **Filed: January 3, 2024**  
 )  
 v. ) **Melanie Gagnepain, Clerk**  
 )  
 SCOTT G. HUNTSINGER, ) **THIS IS AN UNPUBLISHED**  
 ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 Defendant-Appellant. )  
 )  
 )

---

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Cynthia Yee-Wallace, District Judge.

Judgment of conviction and unified sentence of ten years, with three years determinate, and order denying Idaho Criminal Rule 35 motion, 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 GRATTON, Chief Judge; LORELLO, Judge;  
and HUSKEY, Judge

---

PER CURIAM

Scott G. Huntsinger was found guilty of driving under the influence of alcohol and/or drugs, Idaho Code §§ 18-8004, -8005(6), and leaving the scene of an accident involving vehicle damage, I.C. § 49-1301. Huntsinger admitted to having at least two prior DUI's within the previous ten years. The district court imposed a unified sentence of ten years, with a minimum period of incarceration of three years, for the felony DUI and credit for time served for the misdemeanor leaving the scene of an accident. Huntsinger filed an Idaho Criminal Rule 35 motion, which the district court denied. Huntsinger appeals and contends the district court abused its

discretion by imposing an excessive sentence, specifically by failing to grant probation, and by denying his Rule 35 motion.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). That discretion includes the trial court's decision regarding whether a defendant should be placed on probation. I.C. § 19-2601(3), (4); *State v. Reber*, 138 Idaho 275, 278, 61 P.3d 632, 635 (Ct. App. 2002); *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 594, 596-97 (Ct. App. 1990). The record in this case shows that the district court properly considered the information before it and determined that probation jurisdiction was not appropriate.

Next, we review whether the district court erred in denying Huntsinger's 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, including any new information submitted with Huntsinger's Rule 35 motion, we conclude no abuse of discretion has been shown.

Therefore, Huntsinger's judgment of conviction and sentence, and the district court's order denying Huntsinger's Rule 35 motion, are affirmed.