

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50866

STATE OF IDAHO,)
) **Filed: March 26, 2024**
) **Plaintiff-Respondent,**)
) **Melanie Gagnepain, Clerk**
 v.)
) **THIS IS AN UNPUBLISHED**
 IAN HUNTER BURGESS,) **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. Susie Jensen, District Judge.

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

Erik R. Lehtinen, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

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

Before HUSKEY, Judge; LORELLO, Judge;
and TRIBE, Judge

PER CURIAM

Ian Hunter Burgess pled guilty to burglary. I.C. § 18-1401. In exchange for his guilty plea, an additional charge was dismissed. The district court sentenced Burgess to a unified term of six years, with a minimum period of confinement of three years. The district court retained jurisdiction and sent Burgess to participate in the rider program. Prior to completion of his rider, the district court relinquished jurisdiction. Burgess filed an I.C.R. 35 motion, and the district court held a hearing on the motion but denied it. Burgess 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, including any new or additional information submitted with Burgess's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Burgess's Rule 35 motion is affirmed.