

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50952

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) Filed: July 26, 2024
)
 v.) Melanie Gagnepain, Clerk
)
 KEVIN JOHN NIELSEN,) THIS IS AN UNPUBLISHED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. Jonathan Medema, District Judge.

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

Erik R. Lehtinen, State Appellate Public Defender; Justin M. Curtis, 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

Kevin J. Nielsen pled guilty to violation of a no contact order. Idaho Code § 18-920. In exchange for his guilty plea, an additional charge was dismissed. The district court imposed a unified sentence of five years, with a minimum period of confinement of two years. Nielsen filed an Idaho Criminal Rule 35 motion, which the district court denied. Nielsen appeals, arguing that the district court erred in denying his Rule 35 motion.

Mindful that he did not provide any new or additional information in support of his Rule 35 motion, Nielsen argues 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, and because no new or additional information in support of Nielsen's Rule 35 motion was presented, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Nielsen's Rule 35 motion is affirmed.