

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 52485

STATE OF IDAHO,	)
	) <b>Filed: January 7, 2026</b>
Plaintiff-Respondent,	)
	) <b>Melanie Gagnepain, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
KORTNEY FLOY KRUSE,	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
Defendant-Appellant.	)
_____	)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Javier L. Gabiola, District Judge.

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

Erik R. Lehtinen, State Appellate Public Defender; Kierra W. Mai, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Raúl R. Labrador, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Kortney Floy Kruse pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). In exchange for her guilty plea, an additional charge that she is a persistent violator was dismissed.<sup>1</sup> The district court sentenced Kruse to a unified term of six years, with a minimum period of confinement of three years. The district court retained jurisdiction and sent Kruse to participate in the rider program. Following completion of her rider, the district court relinquished

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<sup>1</sup> Kruse also pled guilty to a charge in an unrelated case and addition charges and a persistent violator allegation were dismissed in that case as well.

jurisdiction. Kruse filed an I.C.R. 35 motion for reduction of her sentence, which the district court denied. Mindful that she did not submit any new evidence, Kruse appeals and argues that the district court erred in denying her 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). Kruse acknowledges she did not satisfy this standard. Therefore, the district court's order denying Kruse's Rule 35 motion is affirmed.