

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49861

STATE OF IDAHO, )  
 )  
 ) **Filed: September 19, 2023**  
 )  
 ) **Plaintiff-Respondent,** )  
 ) **Melanie Gagnepain, Clerk**  
 )  
 ) **v.** )  
 ) **THIS IS AN UNPUBLISHED**  
 ) **KENNETH LEE WATKINS,** ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 ) **Defendant-Appellant.** )  
 )  
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Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Richard S. Christensen, District Judge.

Order denying Idaho Criminal Rule 35 motion, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kimberly A. Coster, Deputy Appellate Public Defender, Boise, for appellant.

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

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

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PER CURIAM

Kenneth Lee Watkins pled guilty to lewd conduct with a minor under sixteen, Idaho Code § 18-1508. In exchange for his guilty plea, additional charges were dismissed. The district court imposed a unified forty-year sentence, with twenty-five years determinate. Watkins filed an Idaho Criminal Rule 35 motion. Watkins requested the court to reduce the determinate portion of his sentence and add that time to the indeterminate portion of his sentence. Following a hearing, the district court denied the I.C.R. 35 motion. Watkins appeals.

A motion for reduction of sentence under I.C.R. 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

an I.C.R. 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 information submitted with Watkins' I.C.R. 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Watkins' I.C.R. 35 motion is affirmed.