

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 50945

STATE OF IDAHO,)
)
) **Filed: October 1, 2024**
)
) **Plaintiff-Respondent,**)
) **Melanie Gagnepain, Clerk**
)
) **v.**)
) **THIS IS AN UNPUBLISHED**
) **ZACHARIAH ELIJAH WELKE,**) **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. John T. Mitchell, District Judge.

Order denying I.C.R. 35 motion, affirmed.

Erik R. Lehtinen, State Appellate Public Defender; Sally J. Cooley, 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

Zachariah Elijah Welke pled guilty to trafficking in methamphetamine or amphetamine. Idaho Code § 37-2732B(a)(4)(A). In exchange for his guilty plea, an additional charge was dismissed. The district court sentenced Welke to a term of eleven years, with a minimum period of confinement of four years. Welke filed an Idaho Criminal Rule 35 motion, which the district court denied. Welke appeals from the denial of the Rule 35 motion.

Mindful that he did not provide any new or additional information in support of his Rule 35 motion, Welke argues the district court erred in denying his Rule 35 motion. 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 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, which did not include any new or additional information submitted with Welke's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Welke's Rule 35 motion is affirmed.