

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47085

STATE OF IDAHO, )  
 ) **Filed: July 17, 2020**  
 Plaintiff-Respondent, )  
 ) **Melanie Gagnepain, Clerk**  
 v. )  
 ) **THIS IS AN UNPUBLISHED**  
 TIMOTHY BRIAN FREEGARD, ) **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. Nancy A. Baskin, District Judge.

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

Eric D. Fredericksen, State Appellate Public Defender; Brian R. Dickson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Timothy Brian Freegard pled guilty to robbery. I.C. §§ 18-6501 and 18-6502. In exchange for his guilty plea, additional charges were dismissed. The district court sentenced Freegard to a unified term of life imprisonment, with a minimum period of confinement of ten years. Freegard filed an I.C.R. 35 motion, which the district court denied. Freegard 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 information submitted with Freegard's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Freegard's Rule 35 motion is affirmed.