

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47578

STATE OF IDAHO,	)	
	)	<b>Filed: September 24, 2020</b>
Plaintiff-Respondent,	)	
	)	<b>Melanie Gagnepain, Clerk</b>
v.	)	
	)	<b>THIS IS AN UNPUBLISHED</b>
NICKOLAS ZACHORIAH FAIRCHILD,	)	<b>OPINION AND SHALL NOT</b>
	)	<b>BE CITED AS AUTHORITY</b>
Defendant-Appellant.	)	
	)	
	)	

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Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. Rosemary Emory, District Judge.

Judgment of conviction and order denying Idaho Criminal Rule 35 motion, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; R. Jonathan Shirts, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Justin R. Porter, Deputy Attorney General, Boise, for respondent.

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

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PER CURIAM

Nickolas Zachoriah Fairchild pleaded guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). The district court sentenced Fairchild to a unified sentence of five years, with a minimum period of confinement of three years. The district court retained jurisdiction, and Fairchild was sent to participate in the rider program. After Fairchild completed his rider, the district court relinquished jurisdiction. Fairchild filed an Idaho Criminal Rule 35 motion, which the district court denied. Fairchild appeals. He argues the district court abused its discretion by imposing an excessive sentence and by denying his Idaho Criminal Rule 35 motion.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Next, we review whether the district court erred in denying Fairchild's 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, including any new information submitted with Fairchild's Rule 35 motion, we conclude no abuse of discretion has been shown.

Therefore, Fairchild's judgment of conviction and sentence, and the district court's order denying Fairchild's Rule 35 motion, are affirmed.