

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47804

STATE OF IDAHO, )  
 ) Filed: October 14, 2020  
 Plaintiff-Respondent, )  
 ) Melanie Gagnepain, Clerk  
 v. )  
 ) THIS IS AN UNPUBLISHED  
 RIAN KRISTOPHER HILL, ) OPINION AND SHALL NOT  
 ) BE CITED AS AUTHORITY  
 Defendant-Appellant. )  
 )  
 )

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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

Order denying Idaho Criminal Rule 35 motion for reduction of sentence, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kimberly A. Coster, 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 BRAILSFORD, Judge

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PER CURIAM

Rian Kristopher Hill entered an *Alford*<sup>1</sup> plea to possession of methamphetamine, Idaho Code § 37-2732(c). In exchange for his guilty plea, additional charges were dismissed. The district court imposed a unified five-year sentence with six months determinate. Hill appealed, and this Court affirmed his judgment of conviction and sentence. *State v. Hill*, Docket No. 47095 (Ct. App. Feb. 20, 2020) (unpublished). Hill filed an Idaho Criminal Rule 35 motion

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<sup>1</sup> See *North Carolina v. Alford*, 400 U.S. 25 (1970).

for reduction of sentence, which the district court denied. Hill appeals the denial of 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 Hill's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Hill's Rule 35 motion is affirmed.