

1 **FOR PUBLICATION**

2 2016 MAY 18 AM 11:00

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4 BY: *[Signature]*
DEPUTY CLERK OF COURT

5 **IN THE SUPERIOR COURT**
6 **FOR THE**
7 **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

8 **COMMONWEALTH OF THE**
9 **NORTHERN MARIANA ISLANDS,**

10 Plaintiff,

11 vs.

12 **KFIS PINO,**

13 Defendant.

) **CRIMINAL CASE NO. 14-0130B**

) **ORDER DENYING DEFENDANT'S**
) **MOTION FOR REDUCTION OF**
) **SENTENCE**

14 **THIS MATTER** came before the Court on May 17, 2016 at 1:30 p.m. in Courtroom
15 205A on Defendant's Motion to Reconsider Sentence. Assistant Attorney General Chester
16 Hinds appeared on behalf of the Commonwealth of the Northern Mariana Islands
17 ("Commonwealth"). Defendant Kfis Pino ("Defendant") was present and in custody and was
18 represented by Attorney Joe Hill. Based on the matters adduced at the hearing, the Court
19 hereby **DENIES** Defendant's motion to reduce his sentence.


20 Commonwealth Rule of Criminal Procedure 35(b) ("Rule 35(b)") provides, in part, "[a]
21 motion to reduce a sentence may be made, or the court may reduce a sentence without a
22 motion, within 120 days after receipt by the court of a mandate issued upon affirmance of the
23 judgment or dismissal of the appeal...." Although Defendant has timely filed a Rule 35(b)
24 motion, the Court denies Defendant's request to reduce his term of imprisonment of six years.
25 Specifically, Defendant asks the Court to consider the financial and economic hardship his
26 sentence has had on his family. Since the Court has already considered these factors when it
27 sentenced Defendant to six years of imprisonment, the Court declines to grant Defendant's
28 motion. "The court may reduce [a] sentence simply because it has changed its mind, but

1 usually will not do so where nothing is shown to justify a reduced sentence that was not
2 already considered by the court when the original sentence was fixed.” 3 Charles Alan Wright,
3 Federal Practice and Procedure § 586, at 401-04 (2nd ed. 1982). The Court notes that
4 Defendant has been sentenced to the statutory maximum term of ten years for Assault with a
5 Dangerous Weapon, in violation of 6 CMC § 1204(a). In consideration of the plea agreement
6 entered into by both the Commonwealth and Defendant, the Court suspended all but six years
7 to be served at the Department of Corrections, which was closer to the lower end of the
8 sentencing range provided by the parties. At the sentencing hearing, the Court reviewed
9 mitigating factors provided by the parties and considered the recommendations proffered by
10 the Office of Adult Probation. The Court also heard testimonies from the Defendant’s family
11 and evaluated the potential familial and economic hardships that Defendant’s family will likely
12 suffer from his prolong incarceration. While the Court has always been mindful of the unduly
13 burdensome consequence a defendant’s family experiences while the defendant-spouse and/or
14 parent is incarcerated, the Court must not turn its cheek against the societal harm that he has
15 committed and the risk of injustice to the victim if Defendant were to get away with the usual
16 slap on the wrist. The punishment must fit the crime. In this matter, Defendant stabbed the
17 victim in the back causing him significant pain and suffering, and for that, the Court finds that
18 Defendant’s six years of imprisonment is an appropriate sentence.

19 **I. CONCLUSION**

20 Based on the foregoing reasons, the Court **DENIES** Defendant’s motion for
21 reconsideration.

22
23 **IT IS SO ORDERED** this 18th day of May, 2016.

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25 
26 KENNETH L. GOVENDO
27 Associate Judge
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