

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 39574

STATE OF IDAHO,	)	2014 Unpublished Opinion No. 324
	)	
Plaintiff-Respondent,	)	Filed: January 14, 2014
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
TREVOR JAMES BOOTH,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

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Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Gregory M. Culet, District Judge.

Appeal from judgment of conviction and unified life sentence, with a minimum period of confinement of twenty years, for second degree murder, dismissed.

Sara B. Thomas, State Appellate Public Defender; Erik R. Lehtinen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

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Before GUTIERREZ, Chief Judge; LANSING, Judge;  
and MELANSON, Judge

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PER CURIAM

Trevor James Booth pled guilty to second degree murder. I.C. §§ 18-4001, 18-4002, and 18-4003(g). The district court sentenced Booth to a unified life sentence, with a minimum period of confinement of twenty years. Booth appeals.

Booth asserts that the district court abused its sentencing discretion by imposing an excessive sentence. The state argues that Booth expressly waived his right to appeal pursuant to a plea agreement and that the appeal should be dismissed. Booth concedes he waived his right to

appeal.<sup>1</sup> Thus, we hold that Booth's appellate challenge to the excessiveness of his sentence has been waived by his plea agreement. *See* I.C.R. 11(f)(1); *State v. Rodriguez*, 142 Idaho 786, 787, 133 P.3d 1251, 1252 (Ct. App. 2006). Accordingly, we dismiss Booth's appeal.

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<sup>1</sup> Booth, relying on *Oneida v. Oneida*, 95 Idaho 105, 503 P.2d 305 (1972), argues the state was required to file a motion to dismiss prior to the filing of appellate briefing in order to obtain dismissal of the appeal. Booth's reliance on *Oneida* is misplaced.