

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 42269

STATE OF IDAHO, ) 2014 Unpublished Opinion No. 865  
 )  
Plaintiff-Respondent, ) Filed: December 16, 2014  
 )  
v. ) Stephen W. Kenyon, Clerk  
 )  
AARON BILLY HAMMOND, ) THIS IS AN UNPUBLISHED  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. Molly J. Huskey, District Judge.

Appeal from judgment of conviction and unified sentence of seven years, with a minimum period of confinement of six years, for possession of a controlled substance, dismissed.

Sara B. Thomas, State Appellate Public Defender; Shawn F. Wilkerson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

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Before LANSING, Judge; GRATTON, Judge;  
and MELANSON, Judge

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PER CURIAM

Aaron Billy Hammond pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). The parties entered into a binding I.C.R. 11 plea agreement. Pursuant to the agreement and in exchange for Hammond's guilty plea, the state dismissed an additional misdemeanor charge and an allegation that Hammond was a persistent violator. Pursuant to the plea agreement, Hammond waived his right to appeal his sentence. The district court sentenced Hammond to a unified term of seven years, with a minimum period of confinement of six years. Hammond appeals.

We hold that Hammond'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). Hammond's plea agreement contained a clause by which Hammond waived his right to appeal his sentence. Accordingly, we dismiss Hammond's appeal.