

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44331

STATE OF IDAHO,)	2017 Unpublished Opinion No. 349
)	
Plaintiff-Respondent,)	Filed: February 3, 2017
)	
v.)	Stephen W. Kenyon, Clerk
)	
CHRISTOPHER GONZALES,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. G. Richard Bevan, District Judge.

Appeal dismissed.

Eric D. Fredericksen, State Appellate Public Defender; Elizabeth Ann Allred, Deputy Appellate Public Defender, Boise, for appellant.

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

Before GRATTON, Chief Judge; MELANSON, Judge;
and HUSKEY, Judge

PER CURIAM

Christopher Gonzales pled guilty to felony intimidation of a witness. Idaho Code § 18-2604(3). The parties entered into a binding Idaho Criminal Rule 11 plea agreement. Pursuant to the plea agreement, Gonzales waived his right to appeal any issues including all matters involving the plea or his sentence. The district court sentenced Gonzales to a determinate term of five years. Gonzales appeals asserting that the district court abused its discretion by imposing an excessive sentence.

We hold that Gonzales' appellate challenge to the sentence was 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). Gonzales' plea agreement contained a clause by which Gonzales waived his right to appeal. Accordingly, we dismiss Gonzales' appeal.