

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44802

STATE OF IDAHO,)	2017 Unpublished Opinion No. 652
)	
Plaintiff-Respondent,)	Filed: November 21, 2017
)	
v.)	Karel A. Lehrman, Clerk
)	
JOSE ANTONIO LARA,)	THIS IS AN UNPUBLISHED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, Cassia County. Hon. Michael R. Crabtree, District Judge.

Judgment of conviction and sentence for second degree murder, appeal dismissed.

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, 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; GUTIERREZ, Judge;
and HUSKEY, Judge

PER CURIAM

Jose Antonio Lara pleaded guilty to second degree murder, Idaho Code §§ 18-4001 and 18-4003(g). Pursuant to the agreement and in exchange for Lara’s guilty plea, the State, among other things, limited its sentencing recommendation to a unified life sentence, with eighteen years determinate. Lara waived his right to appeal his sentence unless the district court exceeded the determinate portion of the State’s recommendation. The district court imposed a unified life sentence, with eighteen years determinate. Lara appeals, contending that his sentence is excessive.

We hold that Lara’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. Cope*, 142 Idaho 492, 495-99, 129

P.3d 1241, 1245-49 (2006); *State v. Rodriguez*, 142 Idaho 786, 787, 133 P.3d 1251, 1252 (Ct. App. 2006). Lara's plea agreement contained a clause by which Lara waived his right to appeal his sentence. Accordingly, we dismiss Lara's appeal.