

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 44924

STATE OF IDAHO,)	2017 Unpublished Opinion No. 645
)	
Plaintiff-Respondent,)	Filed: November 16, 2017
)	
v.)	Karel A. Lehrman, Clerk
)	
LUKE CARR,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Third Judicial District, State of Idaho, Payette County. Hon. Susan E. Wiebe, District Judge.

Appeal from judgment of conviction and order denying Idaho Criminal Rule 35 motion, dismissed.

Eric D. Fredericksen, State Appellate Public Defender; Sally J. Cooley, 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

Luke Carr pleaded guilty to aggravated driving under the influence, Idaho Code § 18-8006, 18-8004(1)(A), felony fleeing or attempting to elude a police officer, I.C. § 49-1404(2)(B) and/or D, and felony possession of a controlled substance, methamphetamine, I.C. 37-2732(c)(1). As part of a plea agreement, Carr waived his right to file an Idaho Criminal Rule 35 motion, to withdraw his plea, and to appeal the sentence. Respectively, the district court imposed a unified ten-year sentence, with four years determinate, a unified five-year sentence, with two years determinate, and a unified five-year sentence, with two years determinate. Carr filed an Idaho Criminal Rule 35 motion, which the district court denied. Carr appeals contending

that the district court abused its discretion by imposing an excessive sentence and denying his I.C.R. 35 motion,

We hold that Carr's appellate challenge to the excessiveness of his sentences and the right to file an I.C.R. 35 motion have 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). Accordingly, we dismiss Carr's appeal.