

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 45955/45956

STATE OF IDAHO,)
)
) **Filed: February 1, 2019**
)
) **Plaintiff-Respondent,**)
) **Karel A. Lehrman, Clerk**
)
) **v.**)
) **THIS IS AN UNPUBLISHED**
) **MAGGIE MAE HALL,**) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
) **Defendant-Appellant.**)
)
)

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

Appeal from order denying Idaho Criminal Rule 35 motion for reduction of sentences, dismissed.

Eric D. Fredericksen, State Appellate Public Defender; Reed P. Anderson, Deputy Appellate Public Defender, Boise, for appellant.

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

Before HUSKEY, Judge; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

In consolidated cases, Maggie Mae Hall pled guilty to possession of methamphetamine with intent to deliver, Idaho Code § 37-2732(a)(1)(A), and possession of methamphetamine, I.C. § 37-2732(c)(1). The parties entered into a global plea agreement. Pursuant to the agreement and in exchange for Hall's guilty plea, the State dismissed additional charges. Hall waived her right to appeal her sentences in both cases and her right to file an Idaho Criminal Rule 35 motion to reduce or amend her sentences.

The district court imposed a unified sentence of seven years with two years determinate for possession of methamphetamine with intent to deliver and a consecutive unified sentence of

five years with two years determinate for possession of methamphetamine. The district court retained jurisdiction, and Hall was sent to participate in the rider program.

The district court subsequently relinquished jurisdiction. Hall filed a Rule 35 motion for reduction of her sentences in both cases. The district court denied the motion, noting that pursuant to her plea agreement, Hall had waived her right to file a Rule 35 motion. Hall appeals, contending that the district court abused its discretion by denying her Rule 35 motion for reduction of her sentences.

We hold that Hall's appellate challenge to the denial of her Rule 35 motion has been waived by her 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). Hall's plea agreement contained a clause by which Hall waived her right to appeal her sentences or file a Rule 35 motion for reduction of her sentences. Accordingly, we dismiss Hall's appeal.