

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46236

STATE OF IDAHO,)
) Filed: March 6, 2019
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
JOSE ANTONIO AGUSTIN,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. Benjamin J. Cluff, District Judge.

Appeal dismissed.

Eric D. Fredericksen, State Appellate Public Defender; Ben P. McGreevy, 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; HUSKEY, Judge;
and BRAILSFORD, Judge

PER CURIAM

Jose Antonio Agustin pled guilty to aggravated assault with a deadly weapon. Idaho Code §§ 18-901(b), 18-905(b). The parties entered into a binding Idaho Criminal Rule 11 plea agreement. Pursuant to the plea agreement, Agustin waived his right to appeal any issues including all matters involving the plea or his sentence. The district court sentenced Agustin to a unified term of twelve years with four years determinate. Agustin appeals asserting that the district court abused its discretion by imposing an excessive sentence.

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