

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46486

STATE OF IDAHO,)
) Filed: July 12, 2019
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
CHAD LEE McLEAN,) 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 from order denying I.C.R. 35 motion for reduction of sentences, 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; HUSKEY, Judge;
and LORELLO, Judge

PER CURIAM

Chad Lee McLean pled guilty to three counts of attempted sexual abuse of a child under sixteen. I.C. § 18-1506. In exchange for his guilty plea, three additional charges of attempted second degree kidnapping were dismissed. The parties entered into a binding I.C.R. 11 plea agreement in which McLean agreed to waive the right to appeal his sentences or file an I.C.R. 35 motion for reduction of his sentences. The district court sentenced McLean to consecutive unified terms of twelve and one-half years, with minimum periods of confinement of six years. McLean filed an I.C.R. 35 motion, which the district court denied. McLean appeals, noting he is

mindful of his appeal waiver but nonetheless asserting the district court erred in refusing to reduce his sentences.

We hold that McLean's appellate challenge to the denial of his I.C.R. 35 motion for reduction of his sentences has been 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). McLean's plea agreement contained a clause by which McLean waived his right to challenge his sentences. Accordingly, we dismiss McLean's appeal.