

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46589

STATE OF IDAHO,)
) Filed: October 28, 2019
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
GABRIEL DURAN,) 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; 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; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

Gabriel Duran pled guilty to possession of a controlled substance. Idaho Code § 37-2732(c)(1)). As part of the plea agreement, Duran waived his right to appeal his sentence as long as the district court did not exceed the determinate portion of the State’s sentencing recommendation. At sentencing, the district court sentenced Duran to a unified term of six years with two years determinate--a lesser sentence than what was recommended by the State. Duran appeals asserting that the district court abused its discretion by imposing an excessive sentence.

Duran specifically waived his right to appeal his sentences, and he cannot challenge his sentences on appeal. *See State v. Murphy*, 125 Idaho 456, 872 P.2d 719 (1994). Therefore, this appeal is hereby dismissed.