

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46813

STATE OF IDAHO,	)
	) <b>Filed: August 26, 2019</b>
<b>Plaintiff-Respondent,</b>	)
	) <b>Karel A. Lehrman, Clerk</b>
v.	)
	) <b>THIS IS AN UNPUBLISHED</b>
<b>MICHAEL STEPHEN HEARTSILL,</b>	) <b>OPINION AND SHALL NOT</b>
	) <b>BE CITED AS AUTHORITY</b>
<b>Defendant-Appellant.</b>	)
_____	)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. John K. Butler, District Judge.

Appeal dismissed.

Eric D. Fredericksen, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

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

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Before GRATTON, Chief Judge; LORELLO, Judge;  
and BRAILSFORD, Judge

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PER CURIAM

Michael Stephen Heartsill pled guilty to twenty-five counts of sexual exploitation of a child. Idaho Code § 18-1507(2)(a). As part of the plea agreement, Heartsill waived his right to appeal his sentences as long as the district court did not exceed the determinate portion of the State’s sentencing recommendation. At sentencing, the district court sentenced Heartsill to an aggregate, unified term of forty years with twenty-three years determinate--a lesser sentence than what was recommended by the State. Heartsill appeals asserting that the district court abused its discretion by imposing an excessive sentence.

Heartsill 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.