

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 46942

STATE OF IDAHO, )  
 ) **Filed: July 6, 2020**  
 ) **Plaintiff-Respondent,** )  
 ) **Melanie Gagnepain, Clerk**  
v. )  
 ) **THIS IS AN UNPUBLISHED**  
 ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
 ) **ESPERANZA ELIDA ESPINOZA,** )  
 ) **Defendant-Appellant.** )  
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Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Christopher S. Nye, 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; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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

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PER CURIAM

Esperanza Elida Espinoza was found guilty of four counts of felony injury to children. Idaho Code § 18-1501(1). The district court sentenced Espinoza to a unified term of eight years with three years determinate on each count. Judgment was entered on February 22, 2019, and Espinoza filed a notice of appeal on April 8, 2019, (forty-five days later). Espinoza is mindful of the fact that the notice of appeal was not timely filed. Nevertheless, Espinoza appeals asserting that the district court abused its discretion by imposing excessive sentences.

Pursuant to Idaho Appellate Rule 21, failure to file a notice of appeal with the clerk of the district court within the time limits prescribed by the appellate rules deprives the appellate courts of jurisdiction over the appeal. Idaho Appellate Rule 14 provides, in part:

Any appeal . . . may be made only by physically filing a notice of appeal with the clerk of the district court within 42 days from the date evidenced by the filing stamp of the clerk of the court on any judgment, order, or decree of the district court appealable as a matter of right in any civil or criminal action.

Therefore, due to the untimely filing of Espinoza's notice of appeal, this Court lacks jurisdiction and this appeal is hereby dismissed.