

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47485

STATE OF IDAHO,)
) Filed: July 16, 2020
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
REBECCA ILENE VULGAMORE,) 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. Jon J. Shindurling, 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.

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

PER CURIAM

Rebecca Ilene Vulgamore pled guilty to trafficking in heroin and conspiracy to destroy evidence. Idaho Code §§ 37-2732B(a)(6)(B), 18-2603, 18-1701. The district court sentenced Vulgamore to a unified term of twenty-five years with eight years determinate for trafficking in heroin and a determinate term of five years for conspiracy to destroy evidence. Vulgamore appeals, asserting that the district court abused its discretion by imposing an excessive sentence.

Vulgamore agreed with the State’s recommendation at the time of sentencing and waived her right to appeal unless the court exceeded the recommended fixed term of confinement. “Mindful” of the fact that the district court imposed the recommended sentence and she therefore waived her right to appeal, Vulgamore nevertheless asserts that the district court abused its

discretion by imposing an excessive sentence. The waiver of the right to appeal as a component of a plea agreement is valid and will be enforced if it was made voluntarily, knowingly, and intelligently. *State v. Murphy*, 125 Idaho 456, 872 P.2d 719 (1994). Vulgamore does not claim that the plea agreement or the waiver was not made voluntarily, knowingly, and intelligently. Therefore, this appeal is dismissed.