

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47503

STATE OF IDAHO,)
) Filed: May 6, 2020
Plaintiff-Respondent,)
) Karel A. Lehrman, Clerk
v.)
) THIS IS AN UNPUBLISHED
EARL NORMAN CASEY,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Second Judicial District, State of Idaho, Latah County. Hon. John C. Judge, District Judge.

Appeal from judgment of conviction and sentence, dismissed.

Eric D. Fredericksen, State Appellate Public Defender; Sally J. Cooley, 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; LORELLO, Judge;
and BRAILSFORD, Judge

PER CURIAM

Earl Norman Casey pleaded guilty to violation of a no contact order, Idaho Code § 18-920. The parties entered into a binding Idaho Criminal Rule 11 plea agreement. Pursuant to the agreement and in exchange for Casey’s guilty plea, the State dismissed additional charges. The parties stipulated to a sentence of three and one-half years, with a minimum period of confinement of one and one-half years. Casey waived his right to appeal his sentence.

The district court imposed a sentence of three and one-half years, with a minimum period of confinement of one and one-half years, with the district court retaining jurisdiction. Casey appeals, contending that the district court abused its discretion by imposing an excessive sentence.

We hold that Casey's appellate challenge to the excessiveness of his sentence has been waived by his plea agreement. *See* I.C.R. 11(f)(1); *State v. Cope*, 142 Idaho 492, 495-99, 129 P.3d 1241, 1245-49 (2006); *State v. Rodriguez*, 142 Idaho 786, 787, 133 P.3d 1251, 1252 (Ct. App. 2006). Casey's plea agreement contained a clause by which Casey waived his right to appeal his sentence. Accordingly, we dismiss Casey's appeal.