

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48266

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: July 13, 2021**
)
 v.) **Melanie Gagnepain, Clerk**
)
 BILLY PEREZ SANCHEZ,) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Patrick Miller, District Judge.

Appeal dismissed.

Eric D. Fredericksen, State Appellate Public Defender; Sally J. Cooley, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; John C. McKinney, Deputy Attorney General, Boise, for respondent.

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

PER CURIAM

Billy Perez Sanchez pleaded guilty to felony aggravated assault, Idaho Code §§ 18-901(a), -905(a), felony malicious injury to property, I.C. § 18-7001, and misdemeanor excessive driving under the influence (DUI), I.C. § 18-8004C. On April 13, 2020, the district court sentenced Sanchez. For aggravated assault, the district court imposed a unified five-year sentence, with two years determinate. For malicious injury to property, the district court imposed an indeterminate two-year sentence to run consecutively to the aggravated assault sentence. The district court suspended the sentences and placed Sanchez on a term of probation. For the DUI, the district court imposed 226 days in jail with credit for 226 days served. Sanchez filed an untimely notice of

appeal on August 28, 2020, and asserts 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, this appeal is dismissed.