

BOISE, THURSDAY, JANUARY 23, 2025, AT 10:30 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 51447

STATE OF IDAHO,)
)
 Plaintiff-Respondent,)
)
 v.)
)
 SAID CARRASCO,)
)
 Defendant-Appellant.)
 _____)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Cassia County. Hon. Michael Tribe, District Judge.

May, Rammell & Wells, Chtd.; Kyle R. May, Pocatello, for appellant.

Hon. Raúl R. Labrador, Attorney General; Elizabeth H. Estess, Deputy Attorney General, Boise, for respondent.

Pursuant to a plea agreement, Said Carrasco pleaded guilty to one count of vehicular manslaughter. The district court imposed a unified sentence of eight years, with a minimum term of incarceration of four years, and retained jurisdiction. After completing the period of retained jurisdiction, Carrasco was placed on probation. Carrasco later admitted, pursuant to a non-binding plea agreement, to violating the terms of his probation by being charged with a new felony offense in Bannock County; the State agreed to recommend the same sentence in this case as would be entered in the Bannock County case. In the Bannock County case, Carrasco received a unified sentence of ten years, with a minimum period of incarceration of five years, and the district court retained jurisdiction.

In this case, the district court declined to follow the plea agreement, revoked Carrasco’s probation, and executed the underlying sentence without retaining jurisdiction. Carrasco filed an Idaho Criminal Rule 35 motion, in which he argued that because the court executed the underlying sentence, he would not be eligible to serve a period of retained jurisdiction and would have to serve the five-year fixed portion of his sentence in the Bannock County case. The district court denied the Rule 35 motion. Carrasco appeals.

On appeal, Carrasco argues his sentence is excessive, the district court erred by denying his Rule 35 motion, and the prosecutor impliedly breached the plea agreement.