

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47424

STATE OF IDAHO,)
)
) **Filed: March 16, 2020**
)
) **Plaintiff-Respondent,**)
) **Karel A. Lehrman, Clerk**
)
) **v.**)
) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
)
) **JUSTIN DANIEL BOWMAN,**)
)
) **Defendant-Appellant.**)
)

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. Rosemary Emory, District Judge.

Judgment of conviction and determinate sentence of five years for first degree stalking, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jenny C. Swinford, 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

Justin Daniel Bowman entered an *Alford*¹ plea to first degree stalking. I.C. § 18-7905. In exchange for his guilty plea and pursuant to a binding I.C.R. 11 plea agreement, an additional charge was dismissed and the parties stipulated to a five-year determinate sentence. The district court sentenced Bowman to a determinate term of five years, but retained jurisdiction. Bowman appeals, arguing that his sentence is excessive.

¹ See *North Carolina v. Alford*, 400 U.S. 25 (1970).

Although Bowman received the sentence he asked for, he asserts that the district court erred in imposing an excessive sentence. The doctrine of invited error applies to estop a party from asserting an error when his or her own conduct induces the commission of the error. *State v. Atkinson*, 124 Idaho 816, 819, 864 P.2d 654, 657 (Ct. App. 1993). One may not complain of errors one has consented to or acquiesced in. *State v. Caudill*, 109 Idaho 222, 226, 706 P.2d 456, 460 (1985); *State v. Lee*, 131 Idaho 600, 605, 961 P.2d 1203, 1208 (Ct. App. 1998). In short, invited errors are not reversible. *State v. Gittins*, 129 Idaho 54, 58, 921 P.2d 754, 758 (Ct. App. 1996). This doctrine applies to sentencing decisions as well as rulings made during trial. *State v. Griffith*, 110 Idaho 613, 614, 716 P.2d 1385, 1386 (Ct. App. 1986).

Therefore, because Bowman received the sentence he requested, he may not complain that the district court abused its discretion. Accordingly, Bowman's judgment of conviction and sentence are affirmed.