

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47498

STATE OF IDAHO,)
)
) **Filed: April 7, 2020**
)
) **Karel A. Lehrman, Clerk**
)
) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
)
)
)
)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Richard S. Christensen, District Judge.

Judgment of conviction and determinate sentence of thirteen months for burglary, affirmed.

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; GRATTON, Judge;
and LORELLO, Judge

PER CURIAM

James Neil Moen entered into a plea agreement with the State wherein the State would dismiss the habitual offender charge in exchange for Moen’s guilty plea to burglary. In addition, both parties agreed to the imposition of a determinate thirteen-month sentence. Both parties followed the terms of the plea agreement. Moen entered a guilty plea to burglary, I.C. § 18-1401. The State dismissed the habitual offender charge. At the sentencing hearing, the State recommended a determinate thirteen-month sentence and Moen recommended the district court “go along” with the plea agreement. The district court imposed a determinate thirteen-month sentence. Moen appeals, contending that his sentence is excessive.

Although Moen received the sentence he agreed upon pursuant to the plea agreement, Moen asserts that the district court abused its discretion 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 Moen received the sentence he requested, he may not now complain that the district court abused its discretion. Accordingly, Moen's judgment of conviction and sentence is affirmed.