

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47893

STATE OF IDAHO,)
) Filed: September 17, 2020
 Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
 v.)
) THIS IS AN UNPUBLISHED
 KAYLA KAY POWELL,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
 Defendant-Appellant.)
)

Appeal from the District Court of the First Judicial District, State of Idaho, Benewah County. Hon. Scott Wayman, District Judge.

Judgment of conviction and sentences, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jacob L. Westerfield, 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

Kayla Kay Powell pled guilty to possession of a controlled substance (methamphetamine), Idaho Code § 37-2732(c)(1), and aggravated assault, I.C. §§ 18-901, 18-905(a), 18-915. The district court sentenced Powell to concurrent unified sentences of four years with two years determinate on each charge. The district court retained jurisdiction. Powell appeals asserting that the district court abused its discretion by imposing excessive sentences.

Although Powell agreed with the State’s recommendation at the time of sentencing and received the sentence she asked for, Powell asserts that the district court erred by 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 Powell received the sentence she requested, she may not complain that the district court abused its discretion. Accordingly, Powell's judgment of conviction and sentences are affirmed.