

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 47956

STATE OF IDAHO, )  
 )  
 ) **Filed: May 7, 2021**  
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 ) **Melanie Gagnepain, Clerk**  
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 ) **THIS IS AN UNPUBLISHED**  
 ) **OPINION AND SHALL NOT**  
 ) **BE CITED AS AUTHORITY**  
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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 unified sentence of eight years, with a minimum period of confinement of four years, for felony eluding with enhancement, affirmed

Eric D. Fredericksen, State Appellate Public Defender; Justin M. Curtis, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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Before GRATTON, Judge; LORELLO, Judge;  
and BRAILSFORD, Judge

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PER CURIAM

Eric Lagrande Houser was found guilty by a jury of felony eluding with a persistent violator enhancement. Idaho Code §§ 49-1404(2), 19-2514. Houser failed to appear for sentencing. Houser was arrested several weeks later on a new charge (possession of a controlled substance). At a consolidated hearing, Houser’s counsel stated that Houser would be entering into a plea agreement on the possession charge. That plea agreement stipulated that Houser would admit the persistent violator enhancement in this case and the parties would recommend concurrent unified sentences of eight years with four years determinate in both this case and the

possession case. The district court sentenced Houser to a unified term of eight years with four years determinate. Houser appeals asserting that the district court abused its discretion by imposing an excessive sentence.

Although Houser received the sentence he asked for, Houser 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 Houser received the sentence he requested, he may not complain that the district court abused its discretion. Accordingly, Houser's judgment of conviction and sentence is affirmed.