

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48017

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: February 23, 2021**
)
 v.) **Melanie Gagnepain, Clerk**
)
) **THIS IS AN UNPUBLISHED**
 JOHN EDWARD MAARTENSE,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
)
 Defendant-Appellant.)
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Boise County. Hon. Samuel A. Hoagland, District Judge.

Judgment of conviction and unified sentence of twenty-five years with a minimum period of confinement of six years for lewd conduct with a minor under the age of sixteen, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Emily M. Joyce, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kacey L. Jones, Deputy Attorney General, Boise, for respondent.

Before HUSKEY, Chief Judge; GRATTON, Judge;
and LORELLO, Judge

PER CURIAM

John Edward Maartense entered an *Alford*¹ plea to lewd conduct with a minor under the age of sixteen, Idaho Code § 18-1508, and the parties stipulated to recommending a sentence to the district court. The district court sentenced Maartense to a unified term of twenty-five years with six years determinate as stipulated to by the parties. Maartense appeals asserting that the district court abused its discretion by imposing an excessive sentence.

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

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