

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48494

STATE OF IDAHO,)
) **Filed: July 1, 2021**
 Plaintiff-Respondent,)
) **Melanie Gagnepain, Clerk**
 v.)
) **THIS IS AN UNPUBLISHED**
 ROBERT WILLIAM PETERSON,) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)
 _____)

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

Judgment of conviction and suspended sentence of one year for misdemeanor telephone harassment, 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; GRATTON, Judge;
and LORELLO, Judge

PER CURIAM

Robert William Peterson pled guilty to one count of misdemeanor telephone harassment. I.C. § 18-6710. Pursuant to a plea agreement, an additional felony was dismissed. The parties agreed that Peterson would be placed on supervised probation for one year. Peterson also agreed to forty-five days of discretionary jail time. The district court sentenced Peterson to a jail term of one year, granted Peterson credit for time served, suspended the sentence, and placed him on

probation. The district court also ordered forty-five days of discretionary time. Peterson appeals, arguing that his sentence is excessive.¹

Although Peterson 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 Peterson received the sentence he requested, he may not complain that the district court abused its discretion. Accordingly, his judgment of conviction and sentence are affirmed.

¹ Peterson also pled guilty to felony stalking. The plea agreement provided that sentencing for the felony stalking would be delayed and the charge ultimately dismissed if Peterson successfully completed his probation for misdemeanor telephone harassment. Thus, this charge is not challenged on this appeal.