

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48682

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: November 26, 2021**
)
 v.) **Melanie Gagnepain, Clerk**
)
 ANTONIO ALFARO RONDAN,) **THIS IS AN UNPUBLISHED**
) **OPINION AND SHALL NOT**
) **BE CITED AS AUTHORITY**
 Defendant-Appellant.)
)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Peter G. Barton, District Judge.

Judgment of conviction and unified sentence of thirty years, with a minimum period of confinement of fifteen years, for sexual exploitation of a child, 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

Pursuant to a plea agreement, Antonio Alfaro Rondan pleaded guilty to sexual exploitation of a child, Idaho Code § 18-1507(2)(c), and other charges were dismissed by the State. The district court imposed a unified sentence of thirty years, with a minimum period of confinement of fifteen years. Rondan appeals, contending that his sentence is excessive.

During the entry of plea hearing, Rondan’s counsel detailed the plea agreement as:

The State is going to dismiss the remaining counts. And it will be a judgment of conviction. The State is going to ask for a 15 plus 15 imposed sentence, so 15 years fixed and a 15-year tail. And the defense may not argue for a lesser sentence.

The U.S. attorney's office has agreed not to charge Mr. Rondan federally for his plea in this case.

Rondan's counsel also stated, "I think I can provide mitigation letters and letters of support that I have, but in terms of a sentencing argument, I cannot be heard to be arguing for less than 15 years and a 15 tail." The district court addressed Rondan and asked "Is that your understanding also?" to which Rondan replied, "Yes, it is, your Honor." When later asked by the district court, Rondan stated, "I will accept it." Following this, Rondan entered a guilty plea to sexual exploitation of a child. At the sentencing hearing, in compliance with the plea agreement, the State recommended a unified thirty-year sentence, with fifteen years determinate. Rondan's counsel also agreed to a unified thirty-year sentence, with fifteen years determinate, as agreed upon in the plea agreement.

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