

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 48718/48719

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, ) Filed: February 23, 2022  
 )  
 v. ) Melanie Gagnepain, Clerk  
 )  
 AARON SCOTT BURKHARDT, ) THIS IS AN UNPUBLISHED  
 ) OPINION AND SHALL NOT  
 ) BE CITED AS AUTHORITY  
 Defendant-Appellant. )  
 )  
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Appeal from the District Court of the Fifth Judicial District, State of Idaho, Twin Falls County. Hon. John K. Butler, District Judge.

Orders revoking probation and executing previously suspended sentences, 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 LORELLO, Chief Judge; HUSKEY, Judge;  
and BRAILSFORD, Judge

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PER CURIAM

This appeal involves two consolidated cases. In Docket No. 48718, Aaron Scott Burkhardt pleaded guilty to possession of a controlled substance, Idaho Code § 37-2732(c)(1), and the district court imposed a unified sentence of six years, with a minimum period of incarceration of three years. In Docket No. 48719, Burkhardt pleaded guilty to felony fleeing or attempting to elude a police officer in a motor vehicle, I.C. § 49-1707(2), and the district court imposed a unified sentence of five years, with a minimum period of incarceration of three years, to run concurrently with the sentence in Docket No. 48718. After a period of retained jurisdiction, the district court suspended the sentences and placed Burkhardt on probation. Subsequently, pursuant to a plea

agreement where, in part, Burkhardt stipulated that his probation would be revoked and he would serve the remainder of the sentences in these two cases, Burkhardt admitted to violating the terms of the probation. Pursuant to the plea agreement, the district court revoked probation and ordered that Burkhardt's previously imposed sentences be executed. Mindful that he received the sentences that he stipulated to, Burkhardt appeals and asserts the district court abused its discretion in revoking probation.

Although Burkhardt stipulated to the revocation of his probation and the imposition of the previously suspended sentences, he asserts that the district court abused its discretion by revoking probation. The doctrine of invited error applies to estop a party from asserting an error when his 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 Burkhardt received the sentences he stipulated to, he may not complain that the district court abused its discretion. Accordingly, the orders revoking probation and ordering execution of the previously suspended sentences are affirmed.