

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 48793/48794

STATE OF IDAHO,	)	
	)	<b>Filed: January 14, 2022</b>
<b>Plaintiff-Respondent,</b>	)	
	)	<b>Melanie Gagnepain, Clerk</b>
v.	)	
	)	<b>THIS IS AN UNPUBLISHED</b>
<b>MICHELLE RENEE MANKO, aka</b>	)	<b>OPINION AND SHALL NOT</b>
<b>MICHELLE RENEE TURNER,</b>	)	<b>BE CITED AS AUTHORITY</b>
	)	
<b>Defendant-Appellant.</b>	)	
_____	)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Cynthia Yee-Wallace, District Judge.

Order revoking probation and ordering execution of the previously suspended sentence and judgment of conviction and sentences, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Kiley A. Heffner, 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. 48793, Michelle Renee Manko, aka Michelle Renee Turner, pleaded guilty to felony possession of a controlled substance, Idaho Code § 37-2732(c)(1). The district court sentenced Manko to a unified sentence of seven years, with a minimum period of incarceration of two years, but after a period of retained jurisdiction, suspended the sentence and placed Manko on a term of probation. Subsequently, Manko admitted to violating the terms of the probation, which included admitting to new charges in Docket No. 48794. Based on the admissions, in Docket No. 48793, the district court revoked Manko’s probation and ordered execution of the previously suspended sentence. In Docket

No. 48794, Manko pleaded guilty to two counts of possession of a controlled substance with intent to deliver, I.C. § 37-2732(a). For each charge, the district court imposed a unified sentence of seven years, with a minimum period of incarceration of two years, to run consecutively to each other and to run consecutively to the sentence in Docket No. 48793. Manko filed an Idaho Criminal Rule 35 motion in Docket No. 48793, and the district court granted the I.C.R. 35 motion, in part, and reduced Manko's sentence to a unified sentence of seven years, with a minimum period of incarceration of one year. Manko appeals, contending that the district court abused its discretion in revoking probation in Docket No. 48793 and by imposing excessive sentences in Docket No. 48794.

Although mindful that she requested the district court revoke her probation in Docket No. 48793, Manko asserts that the district court abused its discretion by doing so. The doctrine of invited error applies to estop a party from asserting an error when 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 Manko requested the district court revoke her probation, she may not now complain that the district court abused its discretion by doing so.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Our role is limited to determining whether reasonable minds could reach the same conclusion as the district court. *State v. Biggs*, 168 Idaho 112, 116, 480 P.3d 150, 154 (Ct. App. 2020). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion in imposing sentence in Docket No. 48794.

Therefore, the order revoking probation and directing execution of Manko's previously suspended sentence and the judgment of conviction and sentences are affirmed.