

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 48964

STATE OF IDAHO,)
) Filed: January 24, 2022
Plaintiff-Respondent,)
) Melanie Gagnepain, Clerk
v.)
) THIS IS AN UNPUBLISHED
ROY ELIZE FERGUSON,) OPINION AND SHALL NOT
) BE CITED AS AUTHORITY
Defendant-Appellant.)
_____)

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. Robert C. Naftz, District Judge.

Judgment of conviction and suspended unified sentence of five years, with a minimum period of confinement of three years, for possession of a controlled substance, 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.

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

PER CURIAM

Roy Elize Ferguson pled guilty to possession of a controlled substance. I.C. § 37-2732(c)(1). In exchange for his guilty plea, an additional charge that he is a persistent violator was dismissed. According to the terms of the plea agreement, the parties agreed that Ferguson would be sentenced to a unified term of five years, with a minimum period of confinement of three years, and that the sentence would be suspended and he would be placed on probation for five years. Following the terms of the plea agreement, the district court sentenced Ferguson to a unified term

of five years, with a minimum period of confinement of three years, but suspended the sentence and placed him on probation for four years. Ferguson appeals, arguing that his sentence is excessive.

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