

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49062

STATE OF IDAHO,)
)
 Plaintiff-Respondent,) **Filed: March 15, 2022**
)
 v.) **Melanie Gagnepain, Clerk**
)
 BRIAN GARY DOPP,) **THIS IS AN UNPUBLISHED**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. James S. Cawthon, District Judge.

Judgment of conviction and unified sentence of twenty-two years, with a minimum period of confinement of eight years, for trafficking in heroin, 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

Pursuant to a plea agreement, Brian Gary Dopp pled guilty to trafficking in heroin, Idaho Code § 37-2732B(a)(6)(A), and other charges were dismissed. As part of the plea agreement, the parties agreed to a joint recommendation of a unified twenty-two year sentence, with eight years determinate. The district court imposed a unified sentence of twenty-two years, with a minimum period of incarceration of eight years. Mindful of the invited error doctrine, Dopp appeals, contending that his sentence is excessive.

Although Dopp received the sentence he agreed to as part of the plea agreement, he now asserts that the district court erred by 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 Dopp received the sentence he agreed to as part of his plea agreement, he may not complain that the district court abused its discretion. Accordingly, Dopp's judgment of conviction and sentence is affirmed.