

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 49200

STATE OF IDAHO, )  
 )  
 Plaintiff-Respondent, ) **Filed: April 29, 2022**  
 )  
 v. ) **Melanie Gagnepain, Clerk**  
 )  
 KENNETH RHETT BUCHANAN, ) **THIS IS AN UNPUBLISHED**  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. Patrick Miller, District Judge.

Judgment of conviction and unified five-year sentence, with a minimum period of confinement of two years, for possession of controlled substance, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Jason C. Pintler, 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  
\_\_\_\_\_

PER CURIAM

Kenneth Rhett Buchanan pled guilty to possession of a controlled substance, Idaho Code § 37-2732(c). At the sentencing hearing, Buchanan requested the district court impose a five-year sentence, with two years determinate, and to place him on probation with “options in the Ada County Jail.” The district court imposed a unified five-year sentence, with a minimum period of incarceration of two years, and placed Buchanan on probation with a condition of probation that he serve 150 days of jail and complete the jail’s Substance Abuse Program. Buchanan appeals, contending that his sentence is excessive.

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