

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 43305

STATE OF IDAHO, ) 2016 Unpublished Opinion No. 397  
 )  
Plaintiff-Respondent, ) Filed: February 22, 2016  
 )  
v. ) Stephen W. Kenyon, Clerk  
 )  
ROBIN J. BELDEN, ) THIS IS AN UNPUBLISHED  
 ) OPINION AND SHALL NOT  
Defendant-Appellant. ) BE CITED AS AUTHORITY  
 )  
\_\_\_\_\_ )

Appeal from the District Court of the First Judicial District, State of Idaho, Bonner County. Hon. Barbara A. Buchanan, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Sara B. Thomas, State Appellate Public Defender; Jenny C. Swinford, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Paul R. Panther, Deputy Attorney General, Boise, for respondent.

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Before MELANSON, Chief Judge; GUTIERREZ, Judge;  
and HUSKEY, Judge  
\_\_\_\_\_

PER CURIAM

Pursuant to a plea agreement, Robin J. Belden pled guilty to felony driving under the influence. I.C. § 18-8004(1)(a). At sentencing, Belden requested probation, with an underlying unified sentence of three years, with a minimum period of confinement of one year. The district court followed Belden’s recommendation and sentenced Belden to a unified term of three years, with a minimum period of confinement of one year. The district court suspended the sentence and placed Belden on probation. Belden filed an I.C.R 35 motion, which the district court denied. Belden appeals.

Mindful that Belden received the sentence he asked for and that he did not include any new or additional information with his Rule 35 motion, Belden asserts that the district court erred in denying his Rule 35 motion. 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 Belden received the sentence he requested, Belden may not complain that the district court abused its discretion. Therefore, the district court's order denying Belden's Rule 35 motion is affirmed.