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State v. Baker Respondent's Brief Dckt. 43552

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,)	
)	NO. 43552
Plaintiff-Respondent,)	
)	Ada County Case No.
v.)	CR-2012-5592
)	
MEGAN ERIN BAKER,)	
)	RESPONDENT'S BRIEF
Defendant-Appellant.)	
_____)	

Issue

Is Baker's sentencing challenge barred by the doctrine of invited error?

Baker's Sentencing Challenge Is Barred By The Doctrine Of Invited Error

Baker pled guilty to possession of methamphetamine and the district court imposed a unified sentence of seven years, with two years fixed, and retained jurisdiction. (R., p.13.) Following the period of retained jurisdiction, the district court suspended Baker's sentence and placed her on supervised probation for seven years. (R., pp.13-18.)

Approximately two months later, the state filed a motion for probation violation alleging that Baker had violated the conditions of her probation by failing to attend and/or complete the Chrysalis Program, using methamphetamine on two separate occasions, consuming alcohol, changing residences without permission on three separate occasions, using “Spice” and “Bath Salts,” failing to report for supervision on several occasions, absconding supervision, and failing to pay her court-ordered financial obligations. (R., pp.19-22.) Baker was at large for over two years before she was located and apprehended. (R., pp.32-33.) Baker subsequently admitted that she had violated the conditions of her probation by failing to attend and/or complete the Chrysalis Program, using methamphetamine on two separate occasions, changing residences without permission, and absconding supervision, and the state withdrew the remaining allegations. (R., pp.20-21, 41.) While Baker was on pretrial release pending the disposition hearing for her probation violation, the state filed a second motion for probation violation alleging that Baker had violated the conditions of her probation by failing to report to her supervising officer upon being released from the jail, failing to report to Probation and Parole for orientation and to submit to DNA collection, failing to report for supervision on several occasions, failing to submit to UA testing on two separate occasions, failing to maintain employment, and again absconding supervision. (R., pp.42, 52-54.) Pursuant to an agreement with the state, Baker stipulated to a “prison sentence” in exchange for the state’s agreement to withdraw the second motion for probation violation. (R., p.61; 8/17/15 Tr., p.5, Ls.5-11.) The district court revoked Baker’s probation and ordered her underlying sentence executed. (R., pp.63-65.)

Baker filed a notice of appeal timely from the district court's order revoking probation. (R., pp.71-73.)

"Mindful that [she] agreed to be sentenced to prison," Baker nevertheless asserts that the district court abused its discretion by revoking her probation because she "could continue receiving the help she needs to avoid relapsing again while she resides in the community." (Appellant's brief, pp.5-6.) Baker's claim of an abuse of sentencing discretion is barred by the doctrine of invited error.

A party is estopped, under the doctrine of invited error, from complaining that a ruling or action of the trial court that the party invited, consented to or acquiesced in was error. State v. Carlson, 134 Idaho 389, 402, 3 P.3d 67, 80 (Ct. App. 2000). The purpose of the invited error doctrine is to prevent a party who "caused or played an important role in prompting a trial court" to take a particular action from "later challenging that decision on appeal." State v. Blake, 133 Idaho 237, 240, 985 P.2d 117, 120 (1999). This doctrine applies to sentencing decisions as well as to rulings during trial. State v. Leyva, 117 Idaho 462, 465, 788 P.2d 864, 867 (Ct. App. 1990).

On appeal, Baker acknowledges that she "stipulated to the execution of the previously suspended sentence in exchange for the State's dismissal of the second motion for probation violation" and that, at the disposition hearing, she told the district court that she was "okay with having [her] time imposed." (Appellant's brief, p.5, n.3; 10/29/15 Tr., p.13, L.11.) Because Baker both stipulated to, and subsequently consented to, having her probation revoked and the underlying sentence executed, she cannot claim on appeal that the district court abused its discretion by doing exactly that. Therefore, Baker's claim of an abuse of sentencing discretion is barred by the doctrine

of invited error and the district court's order revoking probation and ordering Baker's underlying sentence executed should be affirmed.

Conclusion

The state respectfully requests this Court to affirm the district court's order revoking Baker's probation and ordering the underlying sentence executed.

DATED this 18th day of March, 2016.

/s/ Lori A. Fleming
LORI A. FLEMING
Deputy Attorney General

VICTORIA RUTLEDGE
Paralegal

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 18th day of March, 2016, served a true and correct copy of the attached RESPONDENT'S BRIEF by emailing an electronic copy to:

SALLY J. COOLEY
DEPUTY STATE APPELLATE PUBLIC DEFENDER

at the following email address: briefs@sapd.state.id.us.

/s/ Lori A. Fleming
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