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### State v. Salinas Respondent's Brief Dckt. 46227

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LAWRENCE G. WASDEN  
Attorney General  
State of Idaho

PAUL R. PANTHER  
Deputy Attorney General  
Chief, Criminal Law Division

LORI A. FLEMING  
Deputy Attorney General  
P.O. Box 83720  
Boise, Idaho 83720-0010  
(208) 334-4534  
E-mail: [ecf@ag.idaho.gov](mailto:ecf@ag.idaho.gov)

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	NO. 46227
Plaintiff-Respondent,	)	
	)	Canyon County Case No.
v.	)	CR14-17-20604
	)	
MONICA LEANNE SALINAS,	)	
	)	RESPONDENT'S BRIEF
Defendant-Appellant.	)	
_____	)	

Issue

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

Salinas' Sentencing Challenge Is Barred By The Doctrine Of Invited Error

The state charged Salinas with aggravated battery, with a persistent violator enhancement, and two counts of malicious injury to property. (R., pp.23-26, 36-37.) Pursuant to a plea agreement, Salinas pled guilty to aggravated battery and the state dismissed the remaining charges and the enhancement. (R., pp.39, 60, 69; 2/26/18 Tr., p.7, Ls.10-15; 5/16/18 Tr., p.4,

Ls.3-5.) At sentencing, Salinas' counsel requested a sentence of 15 years, with five years fixed. (5/16/18 Tr., p.9, Ls.9-14.) The district court granted the request and imposed a unified sentence of 15 years, with five years fixed. (R., pp.67-68.) Salinas filed a notice of appeal timely from the judgment of conviction. (R., pp.73-75.)

"Mindful that she received the sentence she requested," Salinas nevertheless asserts that her sentence is excessive in light of her purported remorse, friend and family support, difficult childhood, substance abuse, and mental health issues. (Appellant's brief, pp.3-5.) Salinas' 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. Castrejon, 163 Idaho 19, 21, 407 P.3d 606, 608 (Ct. App. 2017) (review denied Jan. 4, 2018) (citations omitted). This doctrine applies to sentencing decisions as well as to rulings during trial. Id. 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 certain action from later challenging that action on appeal. Id. at 22, 407 P.3d at 609 (citing State v. Blake, 133 Idaho 237, 240, 985 P.2d 117, 120 (1999)).

On appeal, Salinas acknowledges that "she received the sentence she requested." (Appellant's brief, pp.1, 3-4.) Because Salinas received the very sentence she requested, she cannot claim on appeal that the sentence is excessive. Therefore, Salinas' claim of an abuse of sentencing discretion is barred by the doctrine of invited error and Salinas' sentence should be affirmed.

Conclusion

The state respectfully requests this Court to affirm Salinas' conviction and sentence.

DATED this 24th day of January, 2019.

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

VICTORIA RUTLEDGE  
Paralegal

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 24th day of January, 2019, served a true and correct copy of the attached RESPONDENT'S BRIEF to the attorney listed below by means of iCourt File and Serve:

ELIZABETH ANN ALLRED  
DEPUTY STATE APPELLATE PUBLIC DEFENDER  
[documents@sapd.state.id.us](mailto:documents@sapd.state.id.us).

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