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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO,	)	
	)	NO. 47152-2019
Plaintiff-Respondent,	)	
	)	Ada County Case No.
v.	)	CR01-18-19935
	)	
LINDA DEANN BASSETT,	)	
	)	RESPONDENT'S BRIEF
Defendant-Appellant.	)	
_____	)	

Issue

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

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

Pursuant to a binding Rule 11 plea agreement, Bassett pled guilty to felony exploitation of a vulnerable adult, the state dismissed the persistent violator enhancement, and the parties stipulated to a unified sentence of 10 years, with one year fixed. (R., pp. 1602-03, 1629; 2/1/19 Tr., p. 8, Ls. 5-17; p. 12, Ls. 12-22; p. 25, L. 25 – p. 26, L. 9.) The district court followed the

plea agreement and imposed a unified sentence of 10 years, with one year fixed. (R., pp. 1629-32.) Bassett filed a notice of appeal timely from the judgment of conviction. (R., pp. 1634-38.)

“[M]indful that the plea agreement negotiated between the parties and binding on the court stipulated the sentence imposed by the district court,” Bassett nevertheless asserts that her sentence is excessive in light of her substance abuse and purported remorse. (Appellant’s brief, pp. 1, 3-5.) Bassett’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. Godwin, 164 Idaho 903, 925, 436 P.3d 1252, 1274 (2019) (citations omitted); State v. Castrejon, 163 Idaho 19, 21, 407 P.3d 606, 608 (Ct. App. 2017) (citations omitted). This doctrine applies to sentencing decisions as well as to rulings during trial. Castrejon, 163 Idaho at 21, 407 P.3d at 608. 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)).

As part of the binding Rule 11 plea agreement, signed by Bassett, Bassett stipulated to the imposition of a unified sentence of 10 years, with one year fixed. (2/1/19 Tr., p. 8, Ls. 5-23.) At sentencing, Bassett’s counsel requested that the district court “follow the Rule 11 agreement.” (6/6/19 Tr., p. 22, Ls. 18-19.) The district court followed the plea agreement and imposed the agreed-upon sentence. (6/6/19 Tr., p. 26, Ls. 3-21.) On appeal, Bassett acknowledges that she “agreed to the sentence imposed pursuant to the terms of the plea agreement.” (Appellant’s brief, p. 3.) Because Bassett received the very sentence she requested, she cannot claim on

appeal that the sentence is excessive. Therefore, Bassett's claim of an abuse of sentencing discretion is barred by the doctrine of invited error and Bassett's sentence should be affirmed.

Conclusion

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

DATED this 14th day of April, 2020.

/s/ Kenneth K. Jorgensen  
KENNETH K. JORGENSEN  
Deputy Attorney General

VICTORIA RUTLEDGE  
Paralegal

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 14th day of April, 2020, served a true and correct copy of the attached RESPONDENT'S BRIEF to the attorney listed below by means of iCourt File and Serve:

SALLY J. COOLEY  
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/s/ Kenneth K. Jorgensen  
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