

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 MARTENIS MINNIFIELD,)
)
 Appellant.)
 _____)

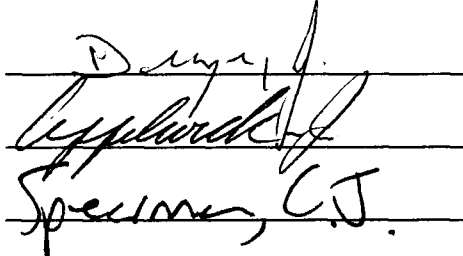
DIVISION ONE
No. 70519-9-1
UNPUBLISHED OPINION
FILED: MAY 18 2015

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COURT OF APPEALS DIVISION
STATE OF WASHINGTON

PER CURIAM — Martenis Minnifield appeals the sentence imposed following his conviction for second degree assault. He contends the court erred in imposing an exceptional sentence on that count absent notice of the State's intent to seek an exceptional sentence on that count. But the State points out, and Minnifield does not dispute, that Minnifield's trial counsel proposed instructions requiring the jury to consider an aggravating circumstance if it found Minnifield guilty of second degree assault on either of the charged counts. Accordingly, any error was invited and cannot be raised on appeal. State v. Winings, 126 Wn. App. 75, 89, 107 P.3d 141 (2005); State v. Smith, 122 Wn. App. 294, 299, 93 P.3d 206 (2004).

We affirm.

FOR THE COURT:



Applegate, C.J.