

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

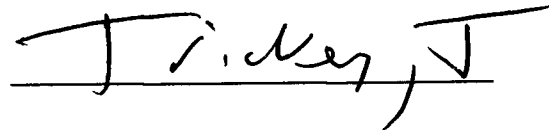
STATE OF WASHINGTON,)
)
 Respondent,)
)
 v.)
)
 STACEY ANNIE JAMISON)
 AKA STACEY ANNIE IVES,)
)
 Appellant.)

No. 70409-5-1
DIVISION ONE
UNPUBLISHED OPINION
FILED: June 16, 2014

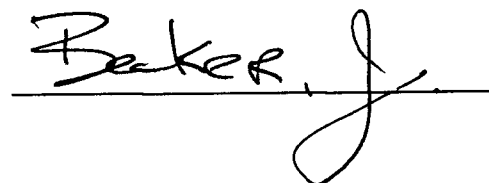
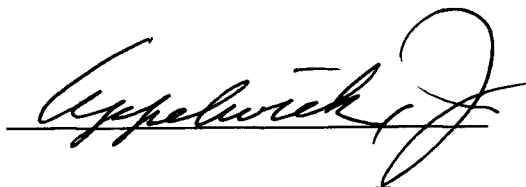
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COURT OF APPEALS DIV 1
STATE OF WASHINGTON
2014 JUN 16 AM 9:45

TRICKEY, J. — Stacey Annie Jamison appeals her conviction for third degree assault.¹ She contends the court’s to-convict instruction removed a disputed issue of fact from the jury’s consideration and commented on the evidence. But she affirmatively agreed with the proposed instruction.² Under the invited error doctrine, “even where constitutional rights are involved, we are precluded from reviewing jury instructions when the defendant has proposed an instruction or agreed to its wording.” State v. Winings, 126 Wn. App. 75, 89, 107 P.3d 141 (2005). Here, Jamison expressed affirmative agreement to the instruction by joining in the State’s proposed instructions. She cannot now challenge that instruction. Although the issue could be reviewed through an ineffective assistance of counsel claim, In re Pers. Restraint of Wilson, 169 Wn. App. 379, 388, 279 P.3d 990 (2012), Jamison has not raised such a claim in this appeal.

Affirmed.



WE CONCUR:



¹ Clerk’s Papers at 14.

² Report of Proceedings (April 2, 2013) at 168-69.