

**IN THE COURT OF APPEALS OF IOWA**

No. 22-1067  
Filed September 13, 2023

**STATE OF IOWA,**  
Plaintiff-Appellee,

**vs.**

**BENJAMIN LARRY EARNEST KUTZNER,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Marshall County, Kim M. Riley,  
District Associate Judge.

Benjamin Kutzner appeals the sentence imposed in his criminal case.

**AFFIRMED.**

Heidi Miller of Gribble, Boles, Stewart & Witosky Law, Des Moines, for  
appellant.

Brenna Bird, Attorney General, and Genevieve Reinkoester, Assistant  
Attorney General, for appellee.

Considered by Bower, C.J., and Ahlers and Chicchelly, JJ.

**AHLERS, Judge.**

A jury found Benjamin Kutzner guilty of the offenses of prohibited person in possession of ammunition, prohibited person in possession of a firearm, going armed with intent, harassment in the first degree, and assault causing bodily injury. At sentencing, Kutzner argued for a suspended sentence and probation while the State argued for an indeterminate prison sentence not to exceed fifteen years. The district court sentenced him to an indeterminate term not to exceed ten years by running two of the five-year sentences consecutively and running all other sentences concurrently. On appeal, Kutzner claims the district court abused its discretion by sentencing him to prison rather than suspending the sentence.

We review criminal sentences for correction of errors at law. *State v. Wilbourn*, 974 N.W.2d 58, 65 (Iowa 2022). Sentencing decisions are cloaked with a strong presumption in their favor and will only be overturned by a showing of abuse of discretion or consideration of improper factors. *Id.* Abuse of discretion occurs only when the sentencing decision is based on grounds or reasons that are clearly untenable or clearly unreasonable. *Id.*

Kutzner does not claim his sentence is based on unreasonable or untenable grounds. Nor does he argue the court considered improper factors. Instead, he simply argues a suspended sentence fulfills the goals of sentencing better than incarceration. The court considered and rejected this argument in selecting the sentence. We find no abuse of discretion in the court's sentencing decision and affirm without further opinion. See Iowa Ct. R. 21.26(1)(e) (allowing memorandum opinions when "[a] full opinion would not augment or clarify existing case law").

**AFFIRMED.**