

IN THE SUPREME COURT OF IOWA

No. 22-1507

Washington County No. SRIN012420

STATE OF IOWA,
Plaintiff- Appellee,

vs.

JACOB LEE GOBLE
Respondent - Appellee,

APPLICATION TO THE SUPREME COURT OF IOWA FOR FURTHER
REVIEW

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QUESTION PRESENTED FOR REVIEW

1. Did the district court commit reversible error by its reference to parole at the time it imposed sentence?

TABLE OF CONTENTS

1. Statement Supporting Further Review	4
2. Brief.....	5
3. Conclusion	6

STATEMENT SUPPORTING FURTHER REVIEW

Jacob Goble appeals his sentence of incarceration and argues that consideration of the time when the Defendant would be paroled was an improper factor for the Court to consider in deciding what sentence to impose.

BRIEF

I

DID THE DISTRICT COURT COMMIT REVERSIBLE ERROR BY ITS REFERENCE TO PAROLE AT THE TIME IT IMPOSED SENTENCE?

At the time of sentencing, the Court indicated that the sentence being imposed was a 5 -year sentence so the Defendant was not going to do a lot of time. The Court went on to use that conversation to inform the Defendant that upon his release that he would have to decide how he was going to proceed in life. The undersigned is unclear if the Defendant availed himself of the Court's guidance in preparing to move forward with life after prison.

The undersigned believed the discussion of the time when a Defendant would parole was not a proper consideration for the Court. Trial counsel did not object.

The Court of Appeals issued an opinion which seems to call the consideration of when a defendant is to be paroled, as a factor that is not off limits to consider in imposing a sentence. The undersigned reads the cases of *State v. Boldon*, 954 N.W.2d 62, 73 (Iowa 2021). *State v. Bowen*, No. 22-0278, 2022 WL 16985663, at *3 (Iowa Ct. App. Nov. 17, 2022) to prohibit the sentencing Court from having an

improper factor such as the likely amount of time to be served prior to release as even a secondary factor at sentencing.

CONCLUSION

Mr. Goble contends that the sentencing Court considered an improper factor at sentencing and that he should be granted a new sentencing hearing where only proper factors are considered.

REQUEST FOR ORAL ARGUMENT

If the Supreme Court of Iowa grants further review, Mr. Goble respectfully requests to be heard in oral argument.

Respectfully Submitted,

/s/ Christopher A. Clausen

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