

**IN THE COURT OF APPEALS OF IOWA**

No. 1-276 / 10-1551  
Filed May 25, 2011

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

**vs.**

**CARRIE JOAN HOON,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Scott County, Thomas H. Preacher and Christine Dalton, District Associate Judges.

A defendant appeals her sentence for third-degree theft. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Stephan J. Japuntich, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Martha E. Trout, Assistant Attorney General, Michael J. Walton, County Attorney, and Jerald Feuerbach, Assistant County Attorney, for appellee.

Considered by Vogel, P.J., Vaitheswaran, J., and Mahan, S.J.\* Tabor, J., takes no part.

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2011).

**MAHAN, S.J.**

Carrie Hoon pleaded guilty to third-degree theft in violation of Iowa Code section 714.2(3) (2009). The district court sentenced Hoon to 240 days in jail, with all but 90 days suspended, and placed her on probation for up to one year. Hoon appeals. Hoon's complaint stems from two exhibits she entered into evidence at the sentencing hearing, and she states the sentence does not provide her with the maximum opportunity for rehabilitation. Hoon's sentence was within the statutory limits, and therefore, we review for an abuse of discretion. *State v. Valin*, 724 N.W.2d 440, 444 (Iowa 2006).

We find Hoon's arguments are either without merit or waived. The record contains the sentencing order that states the reasons for the sentence imposed. The order demonstrated the district court appropriately considered Hoon's exhibits regarding treatment programs, as well as other appropriate factors in imposing the sentence. *See State v. Formaro*, 638 N.W.2d 720, 724 (Iowa 2002) (discussing the factors to be considered in sentencing a defendant). From the record presented, we find the sentence was within the district court's discretion.

In addition, the record does not contain a transcript of the sentencing hearing. "It is a defendant's obligation to provide this court with a record affirmatively disclosing the error relied upon." *State v. Mudra*, 532 N.W.2d 765, 767 (Iowa 1995). When a sentencing hearing is not transcribed, our rules of procedure provide several additional methods for a defendant to create a record to permit our review. *See* Iowa R. Crim. P. 2.25 (bill of exceptions); Iowa R. App. P. 6.806(1) (supplement statement of the record). Because these methods were not utilized, Hoon has also waived error on her claim. *See State v. Alloway*, 707

N.W.2d 582, 586 (Iowa 2006), *overruled on other grounds by State v. Johnson*, 784 N.W.2d 192 (Iowa 2010); *Mudra*, 532 N.W.2d at 766-67. We affirm.

**AFFIRMED.**