

IN THE COURT OF APPEALS OF IOWA

No. 13-1675
Filed November 26, 2014
Amended January 2, 2015

STATE OF IOWA,
Plaintiff-Appellee,

vs.

JANEEN MICHELLE BROOKS,
Defendant-Appellant.

Appeal from the Iowa District Court for Polk County, Odell G. McGhee,
District Associate Judge.

Janneen Brooks appeals the sentence imposed on her conviction of
failure to appear. **SENTENCE VACATED AND REMANDED FOR
RESENTENCING.**

Andrea K. Buffington of Ranes Law Firm, West Des Moines, for appellant.

Thomas J. Miller, Attorney General, Mary A. Triick, Assistant Attorney
General, John Sarcone, County Attorney, and Kevin Hathaway, Assistant County
Attorney, for appellee.

Considered by Doyle, P.J., Tabor, J., and Mahan, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2013).

MAHAN, S.J.

On November 26, 2014, we issued a decision in this case. On December 12, 2014, the Iowa Supreme Court issued its decision in *State v. Thompson*, ___ N.W.2d ___, ___, 2014 WL 7003808 (Iowa 2014). In light of the *Thompson* ruling, we issue this substituted opinion on December 31, 2014. See Iowa Ct. R. 21.23(2).

Janneen Brooks appeals the sentence imposed on her conviction of failure to appear. She contends the district court abused its discretion in sentencing her to sixty days in jail without stating its reasons on the record. We review sentencing decisions for correction of errors at law and will not reverse unless an abuse of discretion or defect in the sentencing procedure is shown. *State v. Formaro*, 638 N.W.2d 720, 724 (Iowa 2002).

On September 26, 2013, Brooks pled guilty to failure to appear after waiving her right to a verbatim recording of the proceedings. The sentencing hearing held on October 18, 2013, was also not recorded. The district court failed to state its reasons for imposing the sixty-day sentence in its sentencing order.

In *Thompson*, our supreme court overruled the line of cases that held a defendant waives the right to appeal a particular sentence when the defendant waives reporting of the sentencing hearing and the court fails to put its reasons for the sentence in the written sentencing order. ___ N.W.2d ___, ___, 2014 WL 7003808, at *5. It held that “if the defendant waives reporting of the sentencing hearing and the court fails to state its reasons for the sentence in the written sentencing order, the court has abused its discretion, and we will vacate the

sentence and remand the case for resentencing.” Accordingly, we vacate Brooks’s sentence and remand the case for resentencing.

SENTENCE VACATED AND REMANDED FOR RESENTENCING.