

IN THE COURT OF APPEALS OF IOWA

No. 15-2039
Filed February 22, 2017

STATE OF IOWA,
Plaintiff-Appellee,

vs.

DARWIN ANGELO JONES SR.,
Defendant-Appellant.

Appeal from the Iowa District Court for Polk County, William A. Price,
District Associate Judge.

Darwin Jones Sr. appeals, challenging the district court's sentencing
decision. **AFFIRMED.**

Matthew O'Hollearn of Brick Gentry, P.C., West Des Moines, for appellant.

Thomas J. Miller, Attorney General, and Thomas J. Ogden, Assistant
Attorney General, for appellee.

Considered by Danilson, C.J., and Vogel and Vaitheswaran, JJ.

VAITHESWARAN, Judge.

Darwin Jones appeals his sentence for second-degree harassment. He contends the district court abused its discretion in sentencing him to twenty days in jail rather than granting him probation as he requested. See *State v. Seats*, 865 N.W.2d 545, 552 (Iowa 2015) (setting forth standard of review).

The State requested a thirty-day jail sentence. In imposing a twenty-day sentence, the district court “largely” relied on Jones’s criminal history. The court stated, “Well, sir, you’ve been to prison twice. There is not much more that probation can do after two trips to prison on fairly significant offenses, very serious offenses actually.”

Although the prison sentences were dated, the State pointed out Jones was convicted more recently of domestic assault and second-degree harassment. As the State noted, “The pattern is, obviously, continued criminal activity.” See *State v. Boltz*, 542 N.W.2d 9, 11 (Iowa Ct. App. 1995) (stating “backdrop” presented during sentencing proceeding supplemented the district court’s reasons for the sentence).

The court’s statement also suggests the court held out little hope of rehabilitation. Despite this pessimism, the court imposed a shorter sentence than the State requested, evincing an exercise of its discretion. We discern no abuse of discretion in the court’s sentence.

AFFIRMED.