

IN THE COURT OF APPEALS OF IOWA

No. 16-1017
Filed September 27, 2017

STATE OF IOWA,
Plaintiff-Appellee,

vs.

KIRBY JAY KONKLER,
Defendant-Appellant.

Appeal from the Iowa District Court for Union County, Patrick W. Greenwood, Judge.

A defendant appeals his sentence following his guilty plea. **AFFIRMED.**

Ronald W. Kepford of Kepford Law Firm, Winterset, for appellant.

Thomas J. Miller, Attorney General, and Zachary C. Miller, Assistant Attorney General, for appellee.

Considered by Danilson, C.J., McDonald, J., and Scott, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2017).

SCOTT, Senior Judge.

Kirby Konkler pled guilty to possession of a controlled substance, third offense, as an habitual offender. The court sentenced Konkler to a maximum term of incarceration of fifteen years with a three-year mandatory minimum. Konkler asserts the court abused its discretion in imposing the maximum punishment by failing to consider his “underlying psychiatric and chemical dependency issues.”

“[T]he decision of the district court to impose a particular sentence within the statutory limits is cloaked with a strong presumption in its favor and will only be overturned for an abuse of discretion or the consideration of inappropriate matters.” *State v. Formaro*, 638 N.W.2d 720, 724 (Iowa 2002). The court is not required to articulate on the record each claim of mitigation urged by the defendant, and the failure to acknowledge a particular claim does not mean the court failed to consider it when crafting the sentence. *State v. Boltz*, 542 N.W.2d 9, 11 (Iowa 1995). Upon our review of the record in this case, we find no abuse of discretion in the court’s sentencing decision, and we affirm the same without further opinion. See Iowa Ct. R. 21.26(1)(a), (c), (e).

AFFIRMED.