

**IN THE COURT OF APPEALS OF IOWA**

No. 16-1401  
Filed January 25, 2017

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

**vs.**

**JAMES E. HAWKINS,**  
Defendant-Appellant.

---

Appeal from the Iowa District Court for Scott County, Henry W. Latham II,  
Judge.

James Hawkins appeals his sentence, claiming the district court abused  
its discretion. **AFFIRMED.**

Les M. Blair III of Blair & Fitzsimmons, P.C., Dubuque, for appellant.

Thomas J. Miller, Attorney General, and Darrel L. Mullins, Assistant  
Attorney General, for appellee.

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

**VAITHESWARAN, Judge.**

James Hawkins pled guilty to delivery of marijuana and failure to affix a drug tax stamp. The district court sentenced him to two prison terms not exceeding five years, to be served concurrently. On appeal, Hawkins contends the district court “abused its discretion in sentencing [him] to 5 years in prison instead of suspending the sentence and placing [him] on probation . . . with conditions that he obtain a substance abuse evaluation and comply with any treatment recommendations.”

We discern no abuse of discretion in the court’s sentencing decision. See *State v. Hopkins*, 860 N.W.2d 550, 553 (Iowa 2015) (setting forth standard of review). The district court commended Hawkins for expressing a desire to change his life but imposed prison sentences based on his “very lengthy criminal history” and his failure “to actively cooperate in the preparation of the Presentence Investigation Report,” which did not bode well for “cooperati[on] with probation.” These were appropriate considerations. See *State v. Willingham*, No. 15-1075, 2016 WL 3282858, at \*1 (Iowa Ct. App. June 15, 2016) (acknowledging the defendant’s “positive” activities but affirming the rejection of his request for a suspended sentence with probation based on his “lengthy criminal history” and the fact that he “was on probation for the same offense when the current offense took place”).

**AFFIRMED.**