

IN THE COURT OF APPEALS OF IOWA

No. 1-762 / 11-0160
Filed October 19, 2011

STATE OF IOWA,
Plaintiff-Appellee,

vs.

TIMOTHY EDWARD ROBINSON,
Defendant-Appellant.

Appeal from the Iowa District Court for Polk County, Terry Rickers (guilty plea) and Robert B. Hanson (sentencing), Judges.

A defendant contends the district court abused its discretion in sentencing him to prison. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Robert P. Ranschau, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Sharon K. Hall, Assistant Attorney General, John P. Sarcone, County Attorney, and Joseph D. Crisp and Stephan Bayens, Assistant County Attorneys, for appellee.

Considered by Sackett, C.J., and Vaitheswaran and Tabor, JJ.

VAITHESWARAN, J.

Timothy Robinson pleaded guilty to possession of a controlled substance (marijuana), third offense, as a habitual offender. At the sentencing hearing, Robinson asked for a suspended sentence and placement on probation. The district court denied the request and instead ordered him to serve up to fifteen years in prison.

On appeal, Robinson contends the district court abused its discretion in sentencing him to prison. See *State v. Thomas*, 547 N.W.2d 223, 225 (Iowa 1996) (“Where, as here, a defendant does not assert that the imposed sentence is outside the statutory limits, the sentence will be set aside only for an abuse of discretion.”).

The district court set forth its reasons for the sentence as required by Iowa Rule of Criminal Procedure 2.23(3)(d). The court also considered the “minimal essential factors” required by case law. See *State v. Dvorsky*, 322 N.W.2d 62, 67 (Iowa 1982) (“We have said that the nature of the offense; the attendant circumstances; and the defendant’s age, character, propensities, and chances of reform are ‘minimal essential factors’ to be considered when exercising sentencing discretion.” (citation omitted)); see also Iowa Code § 907.5 (2009) (setting forth factors that the court shall consider and specifically note in the record when it defers a judgment or sentence or suspends a sentence). The court stated it examined Robinson’s presentence investigation report, which, in addition to Robinson’s age, disclosed a lengthy criminal history. See Iowa Code § 901.5 (stating, in pronouncing judgment and sentence, the trial court is to examine “all pertinent information, including the presentence investigation

report”). The court referred to this history, then noted that “[t]he PSI is not favorable in terms of the progress” made by Robinson. The court also noted that the two witnesses who testified on behalf of Robinson at the sentencing hearing equivocated on Robinson’s prospects for rehabilitation. The court concluded that a prison sentence was “the only outcome that protects the public and allows for [] rehabilitation.” Based on this record, we are convinced the district court did not abuse its discretion in sentencing Robinson to prison.

AFFIRMED.