

**IN THE COURT OF APPEALS OF IOWA**

No. 2-014 / 11-0345  
Filed February 15, 2012

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

**vs.**

**MARK ANDREW BECKER,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Black Hawk County, Nathan A. Callahan, District Associate Judge.

A defendant appeals his sentence following a guilty plea to operating a motor vehicle while intoxicated, contending the district court failed to give reasons for imposing consecutive sentences. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Bradley M. Bender, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Bridget A. Chambers, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Jeremy Westendorf, Assistant County Attorney, for appellee.

Considered by Vaitheswaran, P.J., and Tabor and Mullins, JJ.

**VAITHESWARAN, P.J.**

Mark Andrew Becker appeals his sentence following a guilty plea to operating a motor vehicle while intoxicated, first offense. He contends the district court failed to give reasons for imposing consecutive sentences. See *State v. Jacobs*, 607 N.W.2d 679, 690 (Iowa 2000).

The sentencing hearing began with the prosecutor's summary of Becker's lengthy criminal history. Of note were two charges that arose after the OWI charge. Judgment and sentence on these crimes had already been imposed. According to Becker's attorney, Becker was "on probation" for those charges and the probationary condition for one of them was "[t]hree to five years." No additional information was furnished concerning these crimes.

After listening to the statements of the prosecutor, defense attorney, and Becker, the district court stated:

I think, balancing all of this out, I think you do deserve 365 days in jail just on the basis of your prior criminal history. Anybody with this kind of a recidivist history and background, especially someone who's done a prison sentence, just keeps showing up. And that kind of a record, I think anyway, justifies a harsh sentence toward the maximum.

The court proceeded to impose a 365-day jail term on the OWI conviction, with all but fourteen days suspended. The court also placed Becker on supervised probation for two years and imposed a mandatory fine and court costs. Finally, the court stated, "I will also run this sentence consecutive to any prior sentence that's been entered."

On appeal, Becker asserts that, while the district court provided sufficient reasons to support its decision to impose a term of incarceration, it did not

“provide any reasons for its decision to impose consecutive sentences.” Our review is for an abuse of discretion. *State v. Barnes*, 791 N.W.2d 817, 827 (Iowa 2010). The reasons for imposing consecutive sentences need not be detailed, but must provide at least a cursory explanation to “allow appellate review of the trial court’s discretionary action.” *Id.* (quoting *State v. Jacobs*, 607 N.W.2d 679, 690 (Iowa 2000)). We look at the entire record to find supporting reasons to determine whether the district court considered pertinent matters in imposing a particular sentence. *State v. Jason*, 779 N.W.2d 66, 76 (Iowa Ct. App. 2009).

On our review of the entire record, we find that the district court articulated several reasons for requiring the OWI sentence to be served consecutively to other sentences. The court first noted Becker’s “prior criminal history.” The court then cited his recidivism, despite having served a prison sentence. Later, the court made reference to Becker’s failure to undergo a substance abuse evaluation, his age, and the fact he was “still showing up on stuff like this.” These statements, in addition to the statement of reasons quoted above, reveal that the court’s imposition of a consecutive sentence was part of its overall sentencing plan. *See State v. Hennings*, 791 N.W.2d 828, 839 (Iowa 2010).

We affirm Becker’s sentence for operating while intoxicated, first offense.

**AFFIRMED.**