

IN THE COURT OF APPEALS OF IOWA

No. 2-673 / 11-1743
Filed September 19, 2012

STATE OF IOWA,
Plaintiff-Appellee,

vs.

SABIT M. RUACH,
Defendant-Appellant.

Appeal from the Iowa District Court for Woodbury County, John C. Nelson,
District Associate Judge.

Sabit Ruach appeals from the sentence imposed upon conviction for
assault on a police officer, a serious misdemeanor. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Patricia Reynolds, Assistant
Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Martha E. Trout, Assistant Attorney
General, Patrick Jennings, County Attorney, and Bobbier A. Cranston, Assistant
County Attorney, for appellee.

Considered by Vogel, P.J., and Danilson and Mullins, JJ.

DANILSON, J.

Sabit Ruach appeals from the sentence imposed upon his conviction for assault on a police officer, a serious misdemeanor. The court imposed a sentence of ten days jail time, with credit for time served, and allowed for work release. “A sentence will not be upset on appellate review unless the defendant demonstrates an abuse of discretion or a defect in the sentencing procedure, such as trial court consideration of impermissible factors.” *State v. Granderson*, 619 N.W.2d 399, 401 (Iowa 2000). The review on appeal is for errors at law. *State v. Liddell*, 672 N.W.2d 805, 815 (Iowa 2003). Here, Ruach claims the trial court abused its discretion because the record did not support a jail sentence where Ruach had no prior criminal record. The sentence was within the statutory limits and less than the State recommended. The work release privileges were granted to preserve Ruach’s employment. The court was aware of Ruach’s lack of past criminal record and referenced the evidence presented at trial as warranting a short jail sentence. We find no abuse of discretion. See *State v. Gibb*, 303 N.W.2d 673, 687 (Iowa 1981) (noting that “when a sentence is imposed within statutory limits, it will be set aside only for an abuse of discretion” and “an abuse of discretion will be found only where there is no support for the decision in the record”). We affirm without further opinion. See Iowa R. App. P. 6.1203(a), (d).

AFFIRMED.