

IN THE COURT OF APPEALS OF IOWA

No. 2-870 / 12-0271
Filed November 15, 2012

STATE OF IOWA,
Plaintiff-Appellee,

vs.

DIANE BARNEY,
Defendant-Appellant.

Appeal from the Iowa District Court for Story County, Steven Van Marel,
Judge.

Diane Barney appeals from her sentence following the judgment entered on charges of assault on a peace officer causing injury, making a false 911 communication, and disorderly conduct. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Vidhya K. Reddy, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Sheryl A. Soich, Assistant Attorney General, Stephen Holmes, County Attorney, and Jordan A. Roling, Assistant County Attorney, for appellee.

Considered by Vaitheswaran, P.J., and Potterfield and Bower, JJ.

BOWER, J.

Diane Barney appeals from her sentence following the judgment entered on her charges of assault on a peace officer causing injury, making a false 911 communication, and disorderly conduct. These charges arose when an allegedly intoxicated Barney kicked a police officer in the testicles twice after he arrested her for disorderly conduct, and then placed a 911 call from the back of the squad car. Barney argues the district court abused its discretion in sentencing her to serve thirty days in jail and “not suspending a sentence of incarceration” after failing to consider “the mitigating factors” supporting a suspended sentence, including Barney’s young age, four children, and that she was pregnant and employed.

Upon our review, we find the district court properly considered and weighed multiple appropriate factors that provide for Barney’s rehabilitation as well as the protection of the community. See Iowa Code § 901.5 (2011). After considering Barney’s contentions, we conclude she has not demonstrated an abuse of discretion by the district court. Accordingly, we affirm. See Iowa R. App. P. 6.1203(a).

AFFIRMED.