

IN THE COURT OF APPEALS OF IOWA

No. 3-1041 / 12-2035
Filed December 5, 2013

STATE OF IOWA,
Plaintiff-Appellee,

vs.

ANNA MARIE BUNCH,
Defendant-Appellant.

Appeal from the Iowa District Court for Black Hawk County, Kellyann M. Lekar, Judge.

Appeal from the imposition of consecutive sentences. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Dennis Hendrickson, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Jean C. Pettinger, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Joel Dalrymple and Peter Blink, Assistant County Attorneys, for appellee.

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

McDONALD, J.

On May 26, 2010, Defendant Anna Bunch called her half-sister, Carole Townsend-Sims, and asked Carole to come to her apartment "right away." Townsend-Sims went to Bunch's apartment accompanied by Warren Jefferson-Bey, Bunch's and Carole's half-brother. When Carole and Warren arrived at Bunch's apartment, they rang the security buzzer to be admitted into the building. Bunch went to the entrance door, admitted Carole and Warren into the building, and then led them to Bunch's apartment. They entered the apartment, and Bunch asked Warren to shut the apartment door. At the same time, Bunch walked directly to a table, picked up a .22 caliber gun contained within a box on the table, and turned and fired on Carole and Warren while cursing at them. The first shot missed both Warren and Carole. The second shot hit Warren in the mouth, and he fell to the floor. Carole fled the apartment. Bunch pursued, firing three or four more times at Carole as Carole fled down the hallway of the apartment building. Bunch then returned to the apartment. She put the .22 to Warren's head and told him to pick himself up off the floor and leave. He did. Law enforcement arrested Bunch later that day.

Following a bench trial, Bunch was adjudged guilty and convicted of the following: two counts of attempt to commit murder, in violation of Iowa Code section 707.11 (2009); possession of a firearm as a felon, in violation of section 724.26; two counts of the crime of intimidation with a dangerous weapon, in violation of section 708.6; and willful injury, in violation of section 708.4. The district court imposed consecutive twenty-five year sentences for the two counts of attempt to commit murder, said sentences to run concurrent to all other

sentences, for a total term of incarceration not to exceed fifty years. Bunch contends that imposition of consecutive sentences is illegal because the offenses were the result of one continuous act or transaction.

Our supreme court has long held that where a criminal defendant is convicted on several counts of an indictment “a separate sentence may be pronounced on each count, and the court may pronounce separate and distinct sentences which are cumulative, and are to run consecutively. This is true, even though the several offenses were committed in the course of a single transaction.” *State v. Criswell*, 242 N.W.2d 259, 260 (Iowa 1976). The power to impose consecutive sentences is codified at Iowa Code section 901.8. See Iowa Code § 901.8 (“If a person is sentenced for two or more separate offenses, the sentencing judge may order the second or further sentence to begin at the expiration of the first or succeeding sentence.”). Bunch concedes that the outcome of her case is governed by *Criswell*, subsequent authority standing for the same proposition, and Iowa Code section 901.8. Bunch makes no attempt to distinguish *Criswell* or argue that it is inapplicable here. Instead, she asks that *Criswell* be overruled insofar as it allows for the imposition of consecutive sentences for offenses committed within one transaction. “We are not at liberty to overturn Iowa Supreme Court precedent.” *State v. Hastings*, 466 N.W.2d 697, 700 (Iowa Ct. App. 1990). The district court did not err in imposing consecutive sentences.

AFFIRMED.