

IN THE COURT OF APPEALS OF IOWA

No. 3-138 / 12-1167
Filed March 13, 2013

STATE OF IOWA,
Plaintiff-Appellee,

vs.

KENTON CRAIG HEGGEBO,
Defendant-Appellant.

Appeal from the Iowa District Court for Jones County, Patrick R. Grady,
Judge.

A defendant appeals the sentence imposed following his conviction for two
counts of indecent contact with a child. **AFFIRMED.**

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

Thomas J. Miller, Attorney General, Sheryl Soich, Assistant Attorney
General, and Phil Parsons, County Attorney for appellee.

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

MULLINS, J.

Kenton Heggebo appeals following his guilty plea to two counts of indecent contact with a child, in violation of Iowa Code section 709.12 (2011). He asserts the court abused its discretion in sentencing him to two two-year terms of imprisonment to be served consecutively. He notes the presentence investigator and the prosecution both recommended concurrent sentences and his attorney argued for a suspended sentence and probation. He claims the court should have adopted one of the sentencing recommendations put forth by the parties.

It is not an abuse of discretion for a court to reject the sentencing recommendation of a presentence investigator. *State v. Taylor*, 490 N.W.2d 536, 539 (Iowa 1992). The sentence imposed in this case is within the statutory maximum, and the court articulated and weighed all pertinent factors in determining the sentence to impose. See *State v. August*, 589 N.W.2d 740, 744 (Iowa 1999). We have reviewed the record and the briefs, and we find no abuse of discretion in the district court's sentencing decision. We therefore affirm Heggebo's conviction and sentence pursuant to Iowa Court Rule 21.29(1)(a) and (e).

AFFIRMED.