

IN THE COURT OF APPEALS OF IOWA

No. 3-149 / 12-1420
Filed March 13, 2013

STATE OF IOWA,
Plaintiff-Appellee,

vs.

JANICE A. MAHE,
Defendant-Appellant.

Appeal from the Iowa District Court for Dubuque County, Monica Ackley,
Judge.

A defendant appeals the sentence imposed following her *Alford* plea to
theft in the second degree. **AFFIRMED.**

Scott J. Nelson, Dubuque, for appellant.

Thomas J. Miller, Attorney General, Tyler Buller, Assistant Attorney
General, Ralph Potter, County Attorney, and Timothy Gallagher, Assistant
County Attorney, for appellee.

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

MULLINS, J.

Janice Mahe appeals following her *Alford*¹ plea to second degree theft, in violation of Iowa Code sections 714.1 and 714.2(2) (2011). She appeals asserting the district court abused its discretion in sentencing her to five years in prison rather than a suspended sentence with five years' probation as provided in presentence investigation report and recommended by the prosecutor.

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 transcript of the sentencing proceedings and the recitations contained in the written judgment demonstrate the court properly exercised its discretion and weighed all pertinent factors in determining the sentence to impose. See *State v. August*, 589 N.W.2d 740, 744 (Iowa 1999). Because the district court did not abuse its discretion in sentencing Mahe, we affirm her conviction and sentence pursuant to Iowa Court Rule 21.29(1)(a) and (e).

AFFIRMED.

¹ In *North Carolina v. Alford*, 400 U.S. 25, 37 (1970), the Supreme Court held an accused may consent to the imposition of a sentence even if unwilling or unable to admit participation in the acts constituting the crime charged.