

IN THE COURT OF APPEALS OF IOWA

No. 3-184 / 12-1106
Filed April 10, 2013

STATE OF IOWA,
Plaintiff-Appellee,

vs.

CRAIG EUGENE HETZLER,
Defendant-Appellant.

Appeal from the Iowa District Court for Muscatine County, Thomas G. Reidel, Judge.

A defendant contends that the district court abused its discretion in sentencing him to serve five consecutive terms of imprisonment. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Rachel C. Regenold, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Martha E. Trout, Assistant Attorney General, Alan Ostergren, County Attorney, and Korie Shippee, Assistant County Attorney, for appellee.

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

VAITHESWARAN, P.J.

Craig Hetzler pled guilty to five counts of forgery. The district court sentenced him to prison terms not exceeding five years for each of the forgery counts and ordered the sentences to be served consecutively.

On appeal, Hetzler concedes his sentence was not “outside the bounds of the law” and concedes “the district court considered appropriate factors.” He simply contends the court abused its discretion in sentencing him to consecutive prison terms. See *State v. Barnes*, 791 N.W.2d 817, 827 (Iowa 2010) (reviewing court’s imposition of consecutive sentences for an abuse of discretion).

At the sentencing hearing, Hetzler asked to be placed in a residential correctional facility rather than prison so that he could obtain treatment for anxiety and “become independent.” The district court denied his request and provided a detailed explanation for the denial. The court also provided reasons for imposing consecutive sentences. The court’s statement, in pertinent part, was as follows:

Mr. Hetzler, my duty under the law is to review what is available to me in terms of community resources and to determine what the appropriate rehabilitative plan for you would be, and also to consider the public must be protected. In doing so, I look at the seriousness of the crime, the effect that this crime has upon members of the community, your willingness to accept change and treatment, and what is available in this community to assist you in that process. In this entire thought process I look at the least restrictive alternatives first and then proceed to the more restrictive alternatives. I have reviewed the presentence investigation report and considered the information therein. However, I have not given any consideration to any entries in the criminal history section that do not show an admission or adjudication of guilt.

The Court does not believe that the [residential correctional facility] is appropriate in this matter and does believe that incarceration is necessary based on the prior felony convictions, the defendant’s history of taking advantage of his family members,

his lengthy record of thefts, forgery, and operating a motor vehicle without owner's consent. And at least at the time of the [presentence investigation] it appears there was a failure to understand the nature of this crime, although in reading the defendant's letter, the Court does believe the defendant has a greater understanding of how his actions affect the victims of his crime, along with the community. Past attempts at rehabilitation have not been successful; and, accordingly, the Court does believe that incarceration is appropriate.

....

The court also finds that since there were five separate incidences of forgery, along with your prior criminal history, your prior incarceration in the Department of Corrections and your failure to take any benefit or deterrent effect from those, that all five counts shall run consecutive to each other.

The court thoroughly articulated its reasons for imposing consecutive sentences. We discern no abuse of discretion, and, accordingly, we affirm Hetzler's judgment and sentences.

AFFIRMED.