

**IN THE COURT OF APPEALS OF IOWA**

No. 6-1090 / 06-1169  
Filed March 14, 2007

**STATE OF IOWA,**  
Plaintiff-Appellee,

**vs.**

**JAMIE TOD HOLMES,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Lucas County, William H. Joy,  
Judge.

Defendant appeals his sentence for the crime of criminal mischief in the  
fourth degree. **AFFIRMED.**

Patricia Reynolds, Acting Appellate Defender, and Greta Truman and  
Jason B. Shaw, Assistant Appellate Defenders.

Thomas J. Miller, Attorney General, Bridget A. Chambers, Assistant  
Attorney General, and Paul M. Goldsmith, County Attorney.

Considered by Zimmer, P.J., and Baker, J., and Beeghly, S.J.\*

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2007).

**BEEGHLY, S.J.**

On October 24, 2005, Jamie Holmes pled guilty to charges of possession of a controlled substance and interference with official acts. He also pled guilty to separate charges of criminal mischief in the fourth degree, a serious misdemeanor. The district court sentenced Holmes to one year in the county jail on the criminal mischief charge, and a term of imprisonment not to exceed two years on each of the other charges. The court ordered the sentences to run consecutively, stating, “The court also views these as three distinct and separate criminal charges, and that you should be responsible for each one of those.”

Holmes appealed, and by an order the supreme court determined the district court erred in requiring Holmes to complete his sentence on the criminal mischief charge at the county jail prior to serving his other sentences.<sup>1</sup> The supreme court ordered “that portion of the sentencing order which requires the defendant to complete his sentence for the serious misdemeanor offense at the Lucas County Jail . . . is vacated.” The case was remanded to the district court for resentencing.

On remand, the court sentenced Holmes to an indeterminate one-year sentence with the Iowa Department of Corrections on the criminal mischief charge. The court stated that on all of the charges Holmes was sentenced to a term of imprisonment not to exceed five years.

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<sup>1</sup> Under Iowa Code section 901.8 (2005), “if consecutive sentences are specified in the order of commitment, the several terms shall be construed as one continuous term of imprisonment.” Here, Holmes was sentenced to a total of five years. When a sentence is for more than one year, the defendant is committed to the custody of the director of the Iowa Department of Corrections, not to the county jail. Iowa Code § 903.4.

Holmes appeals, claiming the district court failed to follow Iowa Rule of Criminal Procedure 2.23(3)(d), by stating on the record at the resentencing hearing its reasons for imposing consecutive sentences in this case. See *State v. Evans*, 672 N.W.2d 328, 332 (Iowa 2003) (noting a sentencing court must give reasons for imposing consecutive sentences).

Our review of the record shows the district court properly gave its reasons for imposing consecutive sentences at the time of the first sentencing hearing. The supreme court vacated only that portion of the sentencing order which required Holmes to serve the criminal mischief sentence at the county jail. Thus, at the remand hearing, the only issue before the district court was the location of Holmes's confinement. We conclude the district court did not violate rule 2.23(3)(d).

We affirm the decision of the district court.

**AFFIRMED.**