

IN THE COURT OF APPEALS OF IOWA

No. 6-198 / 05-1799
Filed April 26, 2006

STATE OF IOWA,
Plaintiff-Appellee,

vs.

JAMES RICHARD BEAN,
Defendant-Appellant.

Appeal from the Iowa District Court for Muscatine County, Gary P. Strausser, District Associate Judge.

The defendant appeals, contending the district court abused its discretion by failing to state the reasons for a sentence imposed for driving while barred as an habitual offender. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and David Arthur Adams, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Bridget A. Chambers, Assistant Attorney General, and Gary Allison, County Attorney, for appellee-State.

Considered by Zimmer, P.J., and Miller and Hecht, JJ.

HECHT, J.

James Richard Bean appeals from a judgment and sentence following his guilty plea to a charge of driving while barred as an habitual offender in violation of Iowa Code sections 321.560 and 321.561 (2003). We affirm.

I. Factual and Procedural Background.

Bean, who was represented by counsel, filed a written guilty plea to the aggravated misdemeanor. Bean and his counsel appeared in open court for sentencing. The court accepted Bean's guilty plea and imposed a sentence of two years in the custody of the Iowa Department of Corrections, a fine of \$500, a thirty percent surcharge, and court costs. The sentencing order failed to explain the district court's reasons for imposing the sentence, and the sentencing proceeding was not reported.

Bean contends the district court abused its discretion by failing to state its reasons for the sentence, and urges us to vacate the sentence and remand for resentencing.

II. Standard of Review

Our review of the district court's sentencing decision is for abuse of discretion. *State v. Evans*, 671 N.W.2d 720, 727 (Iowa 2003).

III. Discussion

Bean has failed to produce a record of the sentencing proceeding. This failure serves as a waiver of his contention that the district court erred by failing to state on the record its reasons for the sentence. *State v. Alloway*, 707 N.W.2d 582, 586 (Iowa 2006). Accordingly, we affirm.

AFFIRMED.