

**IN THE COURT OF APPEALS OF IOWA**

No. 6-466 / 05-1924  
Filed July 12, 2006

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

**vs.**

**JEREMY ERIC SULLIVAN,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Scott County, Douglas C. McDonald, District Associate Judge.

Defendant appeals from the sentences imposed by the district court following his pleas of guilty to leaving the scene of an accident and driving while barred as a habitual offender. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Patricia Reynolds, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Kristin Guddall, Assistant Attorney General, William E. Davis, County Attorney, and Marc Gellerman, Assistant County Attorney, for appellee.

Considered by Vogel, P.J., and Zimmer and Vaitheswaran, JJ.

**ZIMMER, J.**

Defendant Jeremy Eric Sullivan appeals from the judgment and sentence entered by the district court following his guilty pleas to leaving the scene of an accident and driving while barred as a habitual offender. Sullivan claims the sentencing court abused its discretion by imposing consecutive sentences. We affirm.

Sullivan pled guilty to charges of leaving the scene of an accident, in violation of Iowa Code sections 321.261(1) and (2) (2003), and driving while barred as a habitual offender in violation of sections 321.555(1) and 321.561. The district court accepted the guilty pleas and imposed sentence. The court sentenced Sullivan to one year in prison for leaving the scene of an accident and two years in prison for driving while barred as a habitual offender. The sentences were ordered to run consecutively.

On appeal, Sullivan claims the district court abused its discretion by imposing consecutive sentences and argues the court failed to provide adequate reasons for the imposition of consecutive sentences.

We may address challenges to the legality of a sentence for the first time on appeal. *State v. Dann*, 591 N.W.2d 635, 637 (Iowa 1999). We review sentencing for correction of errors at law. Iowa R. App. P. 6.4. Where a challenged sentence does not fall outside statutory limits, we review the trial court's decision for abuse of discretion; reversal on this ground is warranted only if the court's discretion has been exercised "on grounds or for reasons clearly untenable or to an extent clearly unreasonable." *State v. Thomas*, 547 N.W.2d 223, 225 (Iowa 1996).

The district court must “state on the record its reason for selecting the particular sentence.” Iowa R. Crim. P. 2.23(3)(d).<sup>1</sup> The court must provide specific reasoning regarding why consecutive sentences are warranted in the particular case. *State v. Jacobs*, 607 N.W.2d 679, 690 (Iowa 2000). Although the reasons do not need to be detailed, they must be sufficient to allow appellate review of the discretionary action of imposing consecutive sentences. *Id.* The reasons, however, are not required to be specifically tied to the imposition of consecutive sentences, but may be found from the particular reasons expressed for the overall sentencing plan. *State v. Johnson*, 445 N.W.2d 337, 343 (Iowa 1989). Thus, we look to all parts of the record to find the supporting reasons. *Id.*

At Sullivan’s sentencing, the State argued for consecutive sentences after pointing out to the court that this was at least the defendant’s tenth conviction for driving while barred. The defendant’s counsel urged the court to impose concurrent sentences citing the defendant’s cooperation and the fact he had acknowledged his mistake. The record reveals the district court considered several factors in fashioning Sullivan’s sentence. The court cited Sullivan’s criminal history and mentioned that past efforts to work with the defendant had not been productive. The court also referred to the specific circumstances of Sullivan’s offenses. The court mentioned the defendant’s lack of care while driving and the damage he caused to another person’s vehicle.

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<sup>1</sup> Certain factors are to be considered by the district court in exercising its sentencing discretion. “[T]he district court is to weigh all pertinent matters in determining a proper sentence, including the nature of the offense, the attending circumstances, the defendant’s age, character, and propensities or chances for reform.” *State v. Loyd*, 530 N.W.2d 708, 713 (Iowa 1995) (quoting *State v. Johnson*, 513 N.W.2d 717, 719 (Iowa 1994)).

We conclude the district court provided sufficient reasons for imposing consecutive sentences. See *State v. Keopasa euth*, 645 N.W.2d 637, 641-42 (Iowa 2002); *State v. Jacobs*, 644 N.W.2d 695, 700 (Iowa 2001). Given the defendant's lengthy criminal history and the lack of success of prior efforts to rehabilitate him, the district court did not abuse its discretion in imposing consecutive sentences as part of its overall sentencing plan. Accordingly, we affirm the district court's judgment and sentence.

**AFFIRMED.**