

IN THE COURT OF APPEALS OF IOWA

No. 7-030 / 06-0596
Filed February 14, 2007

STATE OF IOWA,
Plaintiff-Appellee,

vs.

TARA YOLANDA CLARK,
Defendant-Appellant.

Appeal from the Iowa District Court for Webster County, Fredrick E. Breen, District Associate Judge.

Tara Yolanda Clark appeals from the consecutive sentences imposed by the district court following her pleas of guilty to domestic abuse assault causing bodily injury, domestic abuse assault while displaying a dangerous weapon, and third-degree theft. **AFFIRMED.**

Patricia Reynolds, Acting State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Darrel Mullins, Assistant Attorney General, Timothy Schott, County Attorney, and Jennifer Weaver, Assistant County Attorney, for appellee.

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

ZIMMER, P.J.

Tara Yolanda Clark appeals from the consecutive sentences imposed by the district court following her pleas of guilty to domestic abuse assault causing bodily injury in violation of Iowa Code section 708.2A(2)(b) (2005), domestic abuse assault while displaying a dangerous weapon in violation of section 708.2A(2)(c), and third-degree theft in violation of section 714.2(3). She contends the district court erred in failing to give specific reasons for the imposition of consecutive sentences. We affirm.

Clark was charged with the above-mentioned offenses after she punched her ex-husband in the face on December 12, 2005; shoplifted from a department store on December 24; and used a knife to injure her ex-husband and cut off his beard on January 4, 2006. Clark eventually pled guilty to all three charges.

Clark has a significant criminal history. At her sentencing hearing, Clark's attorney asked the court to run Clark's sentences consecutively, but grant the defendant the privilege of probation. After hearing victim impact testimony and receiving information about Clark's personal circumstances, the court ordered Clark to serve consecutive prison terms.¹ On appeal, Clark contends the sentencing court erred in failing to give specific 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

¹ Clark was sentenced to a term of one year for domestic abuse assault causing bodily injury and a term of two years for domestic abuse assault while displaying a dangerous weapon. She was sentenced to a term of two years on the charge of third-degree theft. All three sentences were ordered to be served consecutively for a total sentence of up to five years.

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 district 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). 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.*

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)).

Immediately before pronouncing Clark's sentences, the district court discussed its reasons for selecting the sentences it imposed. The court cited

Clark's lengthy criminal history and specifically mentioned the defendant has had seven convictions for theft in the last nine years. The court also referred to the specific circumstances of Clark's offenses and the separate impact of each crime on society in general and on the individual victims. The court noted two prior prison terms had not curtailed Clark's inclination to commit thefts and assaults. The court described Clark's behavior toward others as thoughtless and uncaring. The court then concluded a prison term was appropriate for each charge and announced that the sentences would be served consecutively to each other. Later, the court entered a written judgment entry for each of the three offenses that stated the sentences imposed were consistent with the goals of rehabilitation and the protection of society. The written order in each case indicates the court considered all the facts of Clark's case, including her "prior record of convictions, if any," as well as the defendant's age, family, employment status, character, and propensity to commit a public offense.

We conclude the district court's review and recitation of the factors it considered in sentencing the defendant shows the "court ordered [Clark] to serve [her] sentences consecutively as part of an overall sentencing plan." See *Johnson*, 445 N.W.2d at 343. Accordingly, we affirm the district court's judgment and sentence.

AFFIRMED.