

IN THE COURT OF APPEALS OF IOWA

No. 7-158 / 06-1737

Filed April 11, 2007

STATE OF IOWA,
Plaintiff-Appellee,

vs.

CHRISTOPHER MICHAEL MILLIGAN,
Defendant-Appellant.

Appeal from the Iowa District Court for Jasper County, Thomas W. Mott,
Judge.

Defendant appeals from the sentence imposed on him following his plea
to driving while barred as a habitual offender. **AFFIRMED.**

Steven J. Holwerda of Selby, Updegraff, Smith & Holwerda, Newton, for
appellant.

Thomas J. Miller, Attorney General, Elisabeth S. Reynoldson, Assistant
Attorney General, Steve Johnson, County Attorney, and Scott W. Nicholson,
Assistant County Attorney, for appellee.

Considered by Sackett, C.J., and Huitink and Mahan, JJ.

SACKETT, C.J.

Defendant, Christopher Milligan, appeals from the sentence imposed on him following his plea to driving while barred as a habitual offender in violation of Iowa Code section 321.561 (2005). We affirm.

Following Milligan's October 25, 2006, plea, the court sentenced him to sixty days in jail and fined him \$750. Milligan argues this was an abuse of discretion as the district court failed to consider all appropriate and required factors, and he should have been sentenced to "in-house arrest" in Michigan. He contends his wife and two children now live in Michigan, and he could be part of a "community tether" program there.

Our review is for the correction of errors at law. *State v. Cooley*, 587 N.W.2d 752, 754 (Iowa 1998) (citing *State v. Thomas*, 547 N.W.2d 223, 225 (Iowa 1996)).

Because the challenged sentence does not fall outside statutory limits, we review the 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.

Id. Sentencing decisions of the trial court are cloaked with a strong presumption in their favor and an abuse of discretion will not be found unless the defendant shows that such discretion was exercised on grounds or for reasons clearly untenable or to an extent clearly unreasonable. *State v. Johnson*, 513 N.W.2d 717, 719 (Iowa 1994).

In sentencing Milligan, the court considered his prior criminal record, which included a prior conviction of driving while barred, and the need to deter

further offenses. Milligan has failed to show the trial judge abused his discretion in ordering the sentence given.

AFFIRMED.