

IN THE COURT OF APPEALS OF IOWA

No. 7-657 / 07-0180
Filed October 12, 2007

STATE OF IOWA,
Plaintiff-Appellee,

vs.

SETH DEAN FOSTER,
Defendant-Appellant.

Appeal from the Iowa District Court for Des Moines County, Mark Kruse,
District Associate Judge.

The defendant appeals the conviction and sentence imposed following his
plea of guilty. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Patricia Reynolds, Assistant
State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Mary Tabor, Assistant Attorney
General, Patrick C. Jackson, County Attorney, and Lisa K. Taylor, Assistant
County Attorney, for appellee.

Considered by Mahan, P.J., and Miller and Vaitheswaran, JJ.

PER CURIAM

Seth Foster pled guilty to assault with intent to commit sexual abuse, no injury resulting, in violation of Iowa Code section 709.11 (2005), an aggravated misdemeanor. The incident giving rise to the charge involved Foster, then twenty years of age, engaging in sexual activity with a fifteen-year-old female.

The district court denied Foster's request for a deferred judgment. It entered a judgment of conviction, imposed an indeterminate term of incarceration of no more than two years, and suspended the sentence and placed Foster under supervision on probation for a period of two years.

A sentence is reviewed for errors at law. Iowa R. App. P. 6.4; *State v. Grandberry*, 619 N.W.2d 399, 401 (Iowa 2000). We review for an abuse of discretion or defects in the sentencing procedure. *State v. Cason*, 532 N.W.2d 755, 756 (Iowa 1995).

Foster claims the district court abused its discretion in failing to grant a deferred judgment. We have carefully reviewed the record. The court carefully and thoroughly considered the substantial amount of evidence presented at sentencing. It considered all relevant factors, including but not limited to the nature of the offense and the characteristics of the defendant. The court expressed cogent reasons for denying a deferred judgment and for imposing the sentence that it imposed. We find no abuse of discretion, and therefore affirm the judgment and sentence imposed by the district court. See Iowa Ct. Rs. 21.29(1)(a), (d), (e); 21.29(2).

AFFIRMED.