

IN THE COURT OF APPEALS OF IOWA

No. 7-661 / 07-0312
Filed September 19, 2007

STATE OF IOWA,
Plaintiff-Appellee,

vs.

ROBERTO MORENO-TAPIA,
Defendant-Appellant.

Appeal from the Iowa District Court for Marshall County, Carl D. Baker (guilty plea) and Michael J. Moon (sentencing), Judges.

Defendant appeals his sentence after he pled guilty to ongoing criminal conduct and two counts of delivery of methamphetamine. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Robert P. Ranschau, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Jean C. Pettinger, Assistant Attorney General, Jennifer Miller, County Attorney, and James S. Scheetz, Assistant County Attorney, for appellee.

Considered by Vogel, P.J., and Baker, J., and Robinson, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2007).

ROBINSON, S.J.

Roberto Moreno-Tapia was charged with one count of ongoing criminal conduct, seven counts of delivery of methamphetamine, and one count of delivery of cocaine. On December 12, 2006, he pled guilty to ongoing criminal conduct and two counts of delivery of methamphetamine. Defendant was sentenced to a term of imprisonment not to exceed twenty-five years on the ongoing criminal conduct charge, and a term not to exceed ten years on each of the delivery of methamphetamine charges, all to be served concurrently.

Defendant appeals his sentence. We review sentencing challenges for errors at law. Iowa R. App. P. 6.4; *State v. Liddell*, 672 N.W.2d 805, 815 (Iowa 2003). A sentence will not be reversed unless there has been an abuse of discretion or a defect in the sentencing procedure. *State v. Formaro*, 638 N.W.2d 720, 724 (Iowa 2002). An abuse of discretion is found when the court exercises its discretion on grounds clearly untenable or to an extent clearly unreasonable. *State v. Evans*, 672 N.W.2d 328, 331 (Iowa 2003).

Defendant claims the sentencing court abused its discretion by not granting him a suspended sentence. After considering the evidence presented at the sentencing hearing and the presentence investigation report, we find no abuse of discretion by the district court. Defendant stated he had engaged in drug-dealing as a way of earning money. As the court noted, there are “costs in human suffering that this type of activity causes.”

We affirm the decision of the district court.

AFFIRMED.