

IN THE COURT OF APPEALS OF IOWA

No. 7-838 / 06-1819
Filed November 29, 2007

STATE OF IOWA,
Plaintiff-Appellee,

vs.

CRAIG STEVEN SHOCK,
Defendant-Appellant.

Appeal from the Iowa District Court for Butler County, Stephen P. Carroll,
Judge.

Craig Steven Shock appeals from the district court's judgment and
sentence for third-degree sexual abuse. **AFFIRMED.**

Mark A. Milder, Waverly, for appellant.

Thomas J. Miller, Attorney General, Bridget Chambers, Assistant Attorney
General, Gregory M. Lievens, County Attorney.

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Considered by Sackett, C.J., and Vaitheswaran and Baker, JJ.

VAITHESWARAN, J.

Craig Steven Shock pled guilty to third-degree sexual abuse. Iowa Code §§ 702.17, 709.1, 709.4(2)(c)(4) (2005). The district court sentenced him to a prison term not exceeding ten years and this appeal followed.

Shock first argues he was denied effective assistance of counsel because his attorney

failed to adequately review the written guilty plea and presentence investigation report with [him] . . . to be reasonably available to consult with [him] throughout the case, failed to raise facts beneficial to [him] at sentencing, and unduly influenced [him] to enter a guilty plea.

Shock and the State agree that this ineffective-assistance-of-counsel claim should be preserved for postconviction relief proceedings. We concur in this assessment.

Shock next argues the district court abused its discretion in sentencing him. He “asks that the case be remanded for re-sentencing so that a more thorough examination of the community-based options be made to allow the Court to make a reasoned and fact-based decision.”

A court is obligated to determine, in its discretion, which authorized sentence “will provide maximum opportunity for the rehabilitation of the defendant, and for the protection of the community from further offenses by the defendant and others.” Iowa Code § 901.5. The district court did so. The court began by asking Shock for his thoughts about sentencing goals. Shock responded that, “the safety of other people” was one goal. The court agreed, and explained there was a second goal of rehabilitation. In discussing this goal, the court said it reviewed Shock’s presentence investigation report and other

documentation of Shock's past. From this documentation, the court gleaned that Shock had "a deep sense of being victimized and unjustly treated." The court found this sense grounded in fact and said Shock's victimization evoked "some compassion and empathy." However, the court stated Shock was a victimizer as well as a victim, a fact that Shock failed to appreciate. The court concluded Shock needed sexual offender treatment to gain an understanding of his victimizing behavior, and the best place to receive it was in the "State penal system." We discern no abuse of discretion in this sentencing decision. *State v. Dicks*, 473 N.W.2d 210, 216 (Iowa Ct. App. 1991).

We affirm Shock's judgment and sentence and preserve his ineffective-assistance-of-counsel claim for postconviction relief.

AFFIRMED.