

IN THE COURT OF APPEALS OF IOWA

No. 8-040 / 07-1484
Filed January 30, 2008

STATE OF IOWA,
Plaintiff-Appellee,

vs.

CHRISTOPHER DEVIN SCOTT SCHAAF,
Defendant-Appellant.

Appeal from the Iowa District Court for Woodbury County, Gary E. Wenell,
Judge.

Christopher Schaaf appeals from his judgment and sentence for third-
degree sexual abuse. **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Dennis Hendrickson,
Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Elisabeth Reynoldson, Assistant
Attorney General, Patrick Jennings, County Attorney, and Terry Ganzel,
Assistant County Attorney, for appellee.

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

VAITHESWARAN, J.

The State charged twenty-one-year-old Christopher Schaaf with third-degree sexual abuse based on sex acts he committed with a fifteen-year-old girl. Iowa Code § 709.4(2)(c)(4) (2005). Schaaf pled guilty to the offense.

The Department of Correctional Services completed a presentence investigation report and recommended that Schaaf receive a prison sentence. The court sentenced Schaaf to a prison term not exceeding ten years.

On appeal, Schaaf argues the district court abused its discretion in sentencing him. See *State v. Valin*, 724 N.W.2d 440, 445 (Iowa 2006) (“When a sentence is imposed within statutory limits, it will be set aside only for an abuse of discretion.” (citation omitted)). He “requests that his case be reversed and remanded for re-sentencing with judgment deferred or sentence suspended.”

In sentencing Schaaf to a period of imprisonment, the court stated:

The . . . reasons for selecting this sentence are enumerated in the record and primarily are the nature of the offense committed and the harm to the victim and the defendant’s need for rehabilitation and potentiality for rehabilitation offered by this sentence.

These reasons, though brief, comport with the pertinent statute and case law. See Iowa Code § 901.5 (requiring court to decide, 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.”); *State v. Johnson*, 513 N.W.2d 717, 719 (Iowa 1994) (“[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.”). Although

Schaaf was young, a veteran, and had a limited criminal history, and although two social workers performing a psychosexual evaluation recommended Schaaf receive outpatient sex offender counseling rather than imprisonment, we cannot conclude the district court's decision was unreasonable or based on untenable grounds. See *Valin*, 724 N.W.2d at 445.

AFFIRMED.