

IN THE COURT OF APPEALS OF IOWA

No. 3-482 / 12-2044
Filed August 7, 2013

STATE OF IOWA,
Plaintiff-Appellee,

vs.

KENNETH KRAMER,
Defendant-Appellant.

Appeal from the Iowa District Court for Appanoose County, Lucy J. Gamon, Judge.

Kenneth Kramer appeals his conviction for willful injury causing bodily injury, in violation of Iowa Code section 708.4(2) (2011). **AFFIRMED.**

Mark C. Smith, State Appellate Defender, and Vidhya K. Reddy, Assistant Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Benjamin M. Parrott, Assistant Attorney General, and Richard F. Scott, County Attorney, for appellee.

Considered by Vogel, P.J., and Vaitheswaran and Bower, JJ.

BOWER, J.

Kenneth Kramer appeals his conviction for willful injury causing bodily injury, in violation of Iowa Code section 708.4(2) (2011). Kramer argues the district court abused its discretion in failing to explain why the maximum term of probation was imposed. We find the district court adequately explained its reasons for imposing the sentence and accordingly affirm.

I. Background Facts and Proceedings

Kenneth Kramer was charged with several crimes following a physical altercation with his brother. Kramer entered into a plea agreement with the State in which he agreed to plead guilty to willful injury causing bodily injury in exchange for dismissal of the remaining charges. The agreement provided the terms of Kramer's sentence, including a five-year suspended sentence, no-contact orders, and the possibility of placement in a residential treatment facility. The agreement was silent on the duration of probation to be imposed. Kramer also agreed to proceed to immediate sentencing.

The district court entered judgment against Kramer and placed him on probation for a period of five years.¹ Kramer was ordered to jail until a bed became available at the residential treatment facility.

During the sentencing hearing, after approving the terms of the plea agreement, the district court made the following statement: "Mr. Kramer, I'm considering all the sentencing options available to me under the Iowa Code. My judgment and sentence is based on what I believe would best rehabilitate you

¹ Kramer was also ordered to reside at a residential treatment facility for 365 days, or until maximum benefit had been achieved.

and at the same time protect the community from further offenses by you and others.” The district court also imposed a fine and ordered payment of attorney fees. After a discussion about Kramer’s ability to pay, the district court imposed the remainder of the sentence and specifically explained the reasons behind ordering him to jail until a bed in the residential treatment facility became available. The district court concluded the sentencing by imposing a no-contact order and stated: “Mr. Kramer, you have a lengthy record as I’ve noted, and you’re getting a great deal here in terms of probation and other counts being dismissed.”

II. Standard of Review

We review the district court’s sentencing decision for errors at law. *State v. Thomas*, 547 N.W.2d 223, 225 (Iowa 1996). Because the present case involves the district court’s exercise of discretion within the statutory limits, we will set aside the sentence only if the defendant can show an abuse of that discretion. *State v. Cason*, 532 N.W.2d 755, 756 (Iowa 1995). To show an abuse of discretion, Kramer must show the decision “was based on clearly untenable grounds or reasons, or the court exercised its discretion to an extent clearly unreasonable.” See *State v. Adams*, 554 N.W.2d 686, 693 (Iowa 1996).

III. Discussion

Iowa Rule of Criminal Procedure 2.23(3)(d) requires the district court to state the reasons for a particular sentence on the record. The rule exists so that we may have an opportunity to determine whether the district court abused its discretion. *State v. Matlock*, 304 N.W.2d 226, 228 (Iowa 1981). The statement

may be terse and succinct and need not be detailed. *State v. Oliver*, 522 N.W.2d 412, 414 (Iowa 1998). All that is required is a cursory statement so that we can review the district court's decision. *Id.*

Recognizing the time constraints upon district courts by their increasingly high volume of work, our supreme court has held that, at a minimum, defendants are entitled to be informed of the consequences of their criminal acts. *State v. Lumadue*, 622 N.W.2d 302, 305 (Iowa 2001). The rationale provided must relate “to *this* offense, and *this* defendant's background.” *Id.* It is not enough to vaguely refer to the circumstances of the charges or the defendant's background. *Id.*

Upon our review we find the district court provided adequate reasons for the sentence on the record. The district court stated the “*sentence* is based on what I believe would best rehabilitate you and at the same time protect the community from further offenses by you and others.” We find this statement applies to the sentencing scheme as a whole, and reject Kramer's argument. A district court does not abuse its discretion when it states reasons for an overall sentencing plan. See *State v. Jordan*, 461 N.W.2d 356, 358 (Iowa Ct. App. 1990). The district court also specifically relied upon Kramer's criminal history when considering probation, as demonstrated by the statement “you have a lengthy record, as I've noted, and you're getting a great deal here in terms of *probation* and other counts being dismissed.” The district court relied upon Kramer's criminal history, the general leniency of the plea deal, and the desire for rehabilitation and protecting the community from Kramer specifically, in imposing

the maximum period of probation. Having provided adequate reasons for imposing the term of probation, the district court did not abuse its discretion.

AFFIRMED.