IN THE COURT OF APPEALS OF IOWA

No. 2-638 / 11-2011
Filed August 22, 2012

STATE OF IOWA,
Plaintiff-Appellee,

vs.

ANDY LEE LOFTUS,
Defendant-Appellant.

Appeal from the Iowa District Court for Floyd County, Bryan H. McKinley, Judge.

Defendant appeals from the sentencing following his conviction for failure to register as a sex offender. **AFFIRMED.**

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

Thomas J. Miller, Attorney General, Darrel Mullins, Assistant Attorney General, Norman Klemesrud, County Attorney, and Todd P. Prichard, Assistant County Attorney, for appellee.

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

POTTERFIELD, J.

Andy Loftus appeals from the sentence imposed following his conviction for failure to register as a sex offender. He contends the court improperly failed to state its reasons on the record for sentencing him to the maximum term. We affirm, finding the district court adequately provided its rationale for the sentence imposed.

I. Facts and Proceedings

Andy Loftus failed to register as a sex offender and notify the local sheriff within five business days after establishing a new residence. He entered a plea of guilty to failure to register as a sex offender, first offense, and was sentenced to a prison term not to exceed two years. He appeals.

II. Analysis

We review a district court's sentencing decisions for an abuse of discretion. *State v. Evans*, 672 N.W.2d 328, 331 (Iowa 2003). "When a sentence is not mandatory, the district court must exercise its discretion in determining what sentence to impose." *State v. Thomas*, 547 N.W.2d 223, 225 (Iowa 1996). No abuse of discretion is found unless the court "exercises its discretion on grounds or for reasons clearly untenable or to an extent clearly unreasonable." *State v. August*, 589 N.W.2d 740, 744 (Iowa 1999).

Iowa Rule of Criminal Procedure 2.23(3)(d) requires the sentencing court to "state on the record its reason for selecting the particular sentence." A statement of reasoning is sufficient "even if terse and succinct, so long as the brevity of the court's statement does not prevent review of the exercise of the trial

court's sentencing discretion." *State v. Johnson*, 445 N.W.2d 337, 343 (Iowa 1989).

The transcript of the proceedings shows the court's sentencing decision to be sufficient and well-reasoned. After informing Loftus of his sentence, the court went on to state:

> My reasons for this sentence [are] based upon the recommendations contained in the presentence investigation and the fact that, as noted, in the recommendation portions, that you have never completed any kind of supervision successfully, and therefore, probation at this point would be a waste of resources given the defendant's history, and the likelihood of success is not evident to this court.

The court's decision to impose the two-year indeterminate sentence rather than a suspended sentence or a one-year or less determinate jail sentence is supported by its stated reasons, its summary of the presentence report, and of Loftus's recent criminal history.

We therefore affirm the district court, finding it "provided a sufficient statement on the record regarding the reasons behind" its sentence. *See State v. Hennings*, 791 N.W.2d 828, 839 (Iowa 2010).

AFFIRMED.