

IN THE COURT OF APPEALS OF IOWA

No. 7-462 / 06-0685
Filed August 8, 2007

STATE OF IOWA,
Plaintiff-Appellee,

vs.

DAMON GENE LAMPMAN,
Defendant-Appellant.

Appeal from the Iowa District Court for Polk County, Michael D. Huppert,
Judge.

Defendant appeals from the sentence imposed by the district court
following his plea of guilty to conspiracy to deliver a controlled substance.

AFFIRMED.

Van M. Plumb, West Des Moines, for appellant.

Thomas J. Miller, Attorney General, Sheryl Soich, Assistant Attorney
General, John P. Sarcone, County Attorney, and, Stephanie Cox, Assistant
County Attorney, for appellee.

Considered by Huitink, P.J., and Zimmer and Vaitheswaran, JJ.

ZIMMER, J.

Defendant Damon Lampman appeals from the judgment and sentence entered by the district court following his guilty plea to conspiracy to deliver a controlled substance. Lampman claims the court improperly denied his request to have his sentences run concurrently. We affirm.

On July 26, 2005, Lampman and another man attempted to sell methamphetamine to a confidential informant during a controlled drug buy. Lampman was already on parole when he committed the crime. Based on the events that occurred July 26, the State charged Lampman with three drug-related offenses.¹

Lampman pled guilty to conspiracy to deliver a controlled substance in violation of Iowa Code section 124.401(b)(7) (2005). The district court accepted the guilty plea, ordered a presentence investigation, and scheduled sentencing. The court sentenced Lampman to a term of imprisonment not to exceed twenty-five years and assessed a \$5000 fine. The sentence imposed was ordered to run consecutively to two previous sentences imposed on Lampman for other offenses. As part of Lampman's plea agreement, the court dismissed the remaining charges against him upon recommendation of the State.

On appeal, Lampman raises one issue. He claims "[t]he district court improperly ruled denying the defendant's request to have his sentences run concurrent." He argues the district court should have imposed concurrent

¹ The State charged Lampman with conspiracy to deliver a controlled substance, delivery of a controlled substance, and a tax stamp violation.

sentences based on his “past cooperation” and the likelihood his cooperation would lead to “future arrests.”

We review sentencing for the correction of errors at law. Iowa R. App. P. 6.4. Where a challenged sentence does not fall outside statutory limits, we review the trial court’s decision for abuse of discretion; reversal on this ground is warranted only if the court’s discretion has been exercised “on grounds or for reasons clearly untenable or to an extent clearly unreasonable.” *State v. Thomas*, 547 N.W.2d 223, 225 (Iowa 1996).

The district court must “state on the record its reason for selecting the particular sentence.” Iowa R. Crim. P. 2.23(3)(d).² The court must provide specific reasoning regarding why consecutive sentences are warranted in the particular case. *State v. Jacobs*, 607 N.W.2d 679, 690 (Iowa 2000). Although the reasons do not need to be detailed, they must be sufficient to allow appellate review of the discretionary action of imposing consecutive sentences. *Id.* The reasons, however, are not required to be specifically tied to the imposition of consecutive sentences, but may be found from the particular reasons expressed for the overall sentencing plan. *State v. Johnson*, 445 N.W.2d 337, 343 (Iowa 1989). Thus, we look to all parts of the record to find the supporting reasons. *Id.*

At Lampman’s sentencing, the court expressed “no objection” to two proposed reductions in the mandatory minimum sentence applicable to the

² Certain factors are to be considered by the district court in exercising its sentencing discretion. “[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.” *State v. Johnson*, 513 N.W.2d 717, 719 (Iowa 1994).

defendant. Based on the joint recommendations of the State and defense counsel, the court reduced Lampman's mandatory minimum sentence by one-third in consideration of the defendant's guilty plea. In addition, the court approved another twenty-percent reduction "based upon the joint recommendation of counsel for [his] cooperation in other matters." The court then considered the issue of whether concurrent or consecutive sentences should be imposed. The State argued for consecutive sentences after pointing out that Lampman was on parole for a drug felony when he committed the current offense. The defendant's counsel urged the court to impose concurrent sentences, citing, among other things, the defendant's cooperation and the fact he had acknowledged his mistake.

The record reveals the district court considered several factors in fashioning Lampman's overall sentence. The court considered and expressly rejected the defendant's request that concurrent sentences be imposed. The court mentioned Lampman was on parole when he committed the current offense and explained that it wished to punish each crime committed separately so as not to grant the defendant a free offense.

We conclude the district court provided sufficient reasons for imposing consecutive sentences. The fact that the court did not engage in further discussion regarding the defendant's "cooperation" does not render the court's sentence invalid. See *State v. Boltz*, 542 N.W.2d 9, 11 (Iowa Ct. App. 1995) ("A sentencing court has a duty to consider all the circumstances of a particular case. . . . We do not believe however, it is required to specifically acknowledge

each claim of mitigation urged by a defendant.”). Accordingly, we affirm the district court’s judgment and sentence.

AFFIRMED.