IN THE COURT OF APPEALS OF IOWA

No. 0-552 / 00-507
Filed October 25, 2000

FILED
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CLERK SUPREME COURT

STATE OF IOWA,
Plaintiff-Appellee,

vs.

TERRY LANGERMAN,
Defendant-Appellant.

Appeal from the Iowa District court for Fayette County, Bruce Zager, Judge.

Defendant appeals his sentence for the crime of delivery of a controlled substance to a person under the age of eighteen, in violation of Iowa Code section 124.406 (1998). **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and David Arthur Adams, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Denise A. Timmins, Assistant Attorney General, W. Wayne Saur, County Attorney, and J.D. Villont, Assistant County Attorney, for appellee.

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

SACKETT, C.J.

Defendant-appellant Terry Langerman appeals his sentence for the crime of delivery of a controlled substance (marijuana) to a person under the age of eighteen, in violation of Iowa Code section 124.406 (1998). Defendant claims he was denied his right of allocution. We affirm.

On January 10, 2000, defendant pled guilty to the charge of delivering marijuana to a minor. Other charges were dismissed. No specific sentence was made part of the plea agreement.

The sentencing hearing was held on February 21, 2000. Defendant argued there were mitigating circumstances and the district court should not have given the mandatory minimum sentence under section 124.406. Defendant testified if he were sentenced to prison his two children would be placed in foster care. He also testified he had poor health, received Social Security disability benefits, and was struggling with substance abuse issues. Twice defendant's attorney asked defendant, "Is there anything else you would like the court to know?"

The district court sentenced defendant to a term of imprisonment not to exceed twenty-five years, and imposed the mandatory minimum sentence of five years.

Our review of sentencing procedures is for an abuse of discretion. *State v. Duckworth*, 597 N.W.2d 799, 800 (Iowa 1999). Such abuse will only be found if the district court's discretion was exercised on grounds or for reasons clearly untenable or to an extent clearly unreasonable. *State v. Millsap*, 547 N.W.2d 8, 10 (Iowa App. 1996).

Defendant asserts he was denied his right of allocution. He asks to have the case remanded for resentencing.

Iowa Rule of Criminal Procedure 22(3)(d) provides:

> Prior to [rendition of judgment], counsel for the defendant, and the defendant personally, shall be allowed to address the court where either wishes to make a statement in mitigation of punishment.

This rule is mandatory. *State v. Glenn,* 431 N.W.2d 193, 195 (Iowa App. 1988). A court is not required to use any particular language to satisfy rule 22(3)(d). *State v. Craig,* 562 N.W.2d 633, 635 (Iowa 1997). Substantial compliance with the rule is sufficient. *Id.* The court is in compliance with the rule as long as the defendant is provided with an opportunity to volunteer any information helpful to the defendant's cause. *Duckworth,* 597 N.W.2d at 800.

The record shows defendant was given the opportunity to address the court and make a statement in mitigation of punishment. Defendant testified to the mitigating circumstances. His attorney asked defendant, "Is there anything else you would like the court to know?" We affirm defendant's sentence for delivery of a controlled substance to a person under the age of eighteen.

AFFIRMED.