FILED
JAN 23 1995
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 4-495 / 93-1493

STATE OF IOWA,

Appellee,

vs.

ANTHONY QUINN,

Appellant.

Appeal from the Iowa District Court for Polk County, Scott D. Rosenberg, District Associate Judge.

Quinn appeals from resentencing order. **SENTENCE VACATED AND REMANDED FOR RESENTENCING.**

John P. Messina, Des Moines, for appellant.

Bonnie J. Campbell, Attorney General, Mary Tabor, Assistant Attorney General, John P. Sarcone, County Attorney, and Odell McGhee, Assistant County Attorney, for appellee.

Heard by Hayden, P.J., and Habhab and Huitink, JJ.

HUITINK, J.

Anthony Quinn pleaded guilty to aggravated assault with a weapon in violation of Iowa Code sections 708.1 and 708.2 (1991). The trial court sentenced him to sixty days. In an earlier appeal the supreme court vacated the sentence and remanded for resentencing due to the trial court's failure to state reasons for the sentence imposed. State v. Quinn, No. 93-190 (Iowa July 20, 1993).

Upon resentencing by a different judge, the court sentenced Quinn to two years incarceration. It suspended all but sixty days and placed Quinn on two years of probation. While it stated general reasons for the sentence imposed, it did not state reasons for increasing the sentence. Quinn appeals.

A sentencing court is required to state on the record its reasons for selecting a particular sentence. Iowa R. Crim. P. 22(3)(d). The court's explanation must be sufficiently specific to permit the appellate court to discern the reasons for the sentence so the appellate court can determine whether the trial court abused its discretion in selecting the sentence imposed. State v. DeWitt, 426 N.W.2d 678, 679 (Iowa App. 1988) (citation omitted). If an increased sentence is imposed, the reasons for doing so must affirmatively appear in the record. See State v. Pilcher, 171 N.W.2d 251, 254 (Iowa 1969) (emphasis added).

The sentencing transcript contains the following general statement by the court:

> Court is giving this sentence because of the defendant's prior criminal history, the fact that this charge and nature and circumstances of it involve a weapon, which the Court considers a very serious matter when a weapon is involved, and also Court feels that this sentence will provide reasonable protection of the public and opportunity for rehabilitation of the defendant.
>
> Court feels that it is -- when there is an assault with a weapon charge of this nature, this form of punishment is necessary to indicate to this defendant that a weapon used in this manner is totally inappropriate under any circumstances and particularly in circumstances involved in this case.

Not only did the court fail to set forth its reasons for the increased sentence, but it failed to even acknowledge that it was, in fact, increasing the sentence.

We find the court's failure to give reasons for imposing the sentence prevents review of the court's discretion. We therefore conclude a remand for resentencing is required.

Because this issue is dispositive, we need not address the other issues raised. The sentence is vacated, and the case is remanded for resentencing.

SENTENCE VACATED AND REMANDED FOR RESENTENCING.