

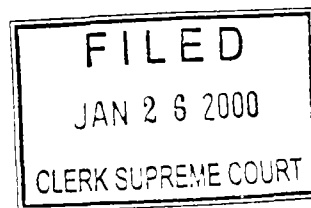
IN THE COURT OF APPEALS OF IOWA

No. 9-787 / 98-971
Filed January 26, 2000

STATE OF IOWA,
Appellee,

vs.

MARILYN JOYCE BRADFORD,
Appellant.



Appeal from the Iowa District Court for Clarke County, David L. Christensen, Judge.

Defendant appeals the judgment and sentence entered upon her guilty plea to conspiracy to deliver a schedule II controlled substance in violation of Iowa Code section 706.1(1)(a) (1997). **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Patricia Reynolds, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Jean C. Pettinger, Assistant Attorney General, John D. Lloyd, County Attorney, and Elisabeth S. Reynoldson, Assistant County Attorney, for appellee.

Heard by Sackett, C.J., and Vogel and Hecht, JJ.

VOGEL, J.

Marilyn Bradford appeals the sentence ordered following her guilty plea to the charge of conspiracy to deliver a schedule II controlled substance. Iowa Code section 706.1(1)(a) (1997). As we find the court did not abuse its discretion in sentencing Bradford to a prison term, we affirm.

Background facts. On January 31, 1997, Bradford was charged with six drug related counts. The state dismissed four of those counts in June. In April 1998, Bradford entered a guilty plea to the charge of conspiracy to deliver a schedule II controlled substance. Bradford was sentenced to serve an indeterminate term of incarceration not to exceed five years. She currently appeals this sentence, alleging the trial court abused its discretion by failing to give adequate reasons for the sentence imposed.

Scope of review. We review the district court's sentencing decision for an abuse of discretion. *State v. Mai*, 572 N.W.2d 168, 170 (Iowa App. 1997). Sentencing decisions of the trial court are cloaked with a strong presumption in their favor, and an abuse of discretion will not be found unless the defendant shows that such discretion was exercised on grounds or for reasons clearly untenable or to an extent clearly unreasonable. *State v. Lloyd*, 530 N.W.2d 708, 713 (Iowa 1995).

Sentencing. Bradford asserts the sentencing reasons stated by the court were inadequate to warrant a prison sentence. She also appeals on the ground that the court may have relied on incorrect information in deciding the sentence.

Iowa Rule of Criminal Procedure 22(3)(d) requires the court to state the reasons for deciding on a particular sentence. Stating these reasons on the record allows for an appellate review for an abuse of discretion. See *State v. Matlock*, 304 N.W.2d 226, 228 (Iowa 1981). The court, however, does not need

to state its reasons for rejecting an available sentencing option. *State v. Russian*, 441 N.W.2d 374, 375 (Iowa 1989).

The court sentenced Bradford within the applicable sentencing guidelines, giving several reasons including the requirement for lawful behavior, substance abuse evaluation and treatment, suitable housing and employment. Bradford contends the judge took these reasons directly from the presentence investigation which contained several factual errors regarding her circumstances, specifically the fact that she had already had a substance abuse evaluation. From this, she draws the conclusion that the court relied on faulty information in determining her sentence. This, however, is merely a supposition on Bradford's part as she was given the opportunity to and did correct the misstatements from the presentence investigation report during the sentencing hearing.

Although the court's explanation for the sentence chosen in this case was not as thorough as Bradford would have liked, adequate reasons were given. See *State v. Victor*, 310 N.W.2d 201, 205 (Iowa 1981) (terse and succinct statement of reasons in sentencing order may be adequate so long as it does not prevent review). As there is no requirement for a court to state its reasons for rejecting probation, we find the court did not abuse its discretion.

AFFIRMED.