

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,

)

Plaintiff-Appellee,

)

vs.

)

ORLANDO A. WATTS,

)

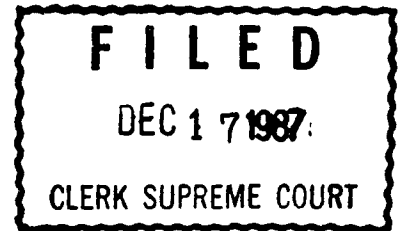
Defendant-Appellant.

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Filed December 17, 1987

7-508
87-437

438



Appeal from the Iowa District Court for Scott County (Nos. 126057-01
& 127221-01) - Margaret S. Briles, Judge (sentencing).

The defendant appeals from consecutive sentences imposed on his guilty
pleas. **AFFIRMED.**

Charles L. Harrington, Appellate Defender, and Linda Del Gallo, Assistant
Appellate Defender, for the defendant-appellant.

Thomas J. Miller, Attorney General; Richard J. Bennett, Assistant Attorney
General, William E. Davis, County Attorney; and H. J. Pries, Assistant County
Attorney, for the plaintiff-appellee.

Considered by Oxberger, C.J., and Donielson, and Sackett, JJ.

PER CURIAM

Defendant appeals from consecutive sentences imposed on defendant's guilty pleas, which were entered pursuant to a plea bargain agreement. We find no merit in defendant's contention the sentencing court imposed consecutive sentences based in part on a desire to lengthen the sentence defendant would serve before he would be eligible for parole. The timing of parole is not a permissible factor for the trial court to consider. See State v. Remmers, 259 N.W.2d 779, 785 (Iowa 1977).

The trial court may, as a matter of discretion, order sentences to run consecutively. State v. Jones, 299 N.W.2d 679, 682 (Iowa 1980). A sentence within the statutory limits will be set aside only for an abusive exercise of discretion on the part of the trial court. State v. Fink, 320 N.W.2d 632, 633 (Iowa App. 1982).

We do not find the trial court abused its sentencing discretion by considering an impermissible factor. Unlike the sentencing court in Remmers, the trial court in this case did not consider extrinsic data regarding the likelihood of parole. See Remmers, 259 N.W.2d at 782. In fact, the trial court did not even mention parole during sentencing. Also, in contrast to the facts presented in Remmers, the trial court here did not indicate the sentences ultimately imposed were not merited by the defendant and his conduct. Id. at 781.

The record reveals the trial court based its imposition of consecutive sentences on defendant's prior record, his proven inability to meet responsibilities required by a halfway house setting, general deterrence, and the rehabilitation of defendant, all of which constitute permissible factors to be considered by a sentencing court. See State v. Ramirez, 400 N.W.2d 586, 590 (Iowa 1987); Fink, 320 N.W.2d at 634. Accordingly, we affirm the trial court's imposition of consecutive sentences.

AFFIRMED.