

IN THE COURT OF APPEALS OF IOWA

No. 5-490 / 94-1902

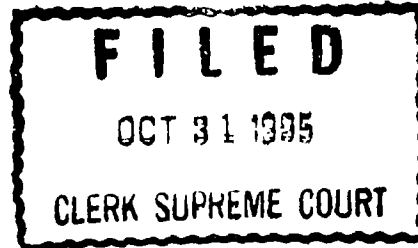
STATE OF IOWA.

Plaintiff-Appellee.

vs.

JASON BLUNT.

Defendant-Appellant.



Appeal from the Iowa District Court for Scott County, Bobbi M. Alpers,
Judge.

The defendant challenges the sentence imposed upon his guilty plea to two
counts of conspiracy to commit robbery. **AFFIRMED.**

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

Thomas J. Miller, Attorney General, Mary Tabor, Assistant Attorney General,
William E. Davis, County Attorney, and Realff H. Ottesen, Assistant County
Attorney, for appellee.

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

HABHAB, J.

Defendant-appellant Jason Blunt conspired with Bryan Roberts to commit robbery against persons buying drugs from Blunt. After the purchasers would come to Blunt's residence and purchase the drugs, Roberts would arrive armed with a gun and take the purchasers' money, valuables and drugs. Blunt and Roberts would then split the takings.

Trial information was filed charging Blunt with two counts of robbery in the first degree and two counts of conspiracy to commit robbery in the first degree. As part of a plea agreement, Blunt pled guilty to two counts of conspiracy to commit robbery in the first degree in violation of Iowa Code section 702.11 (1993). The robbery counts were dismissed. The court sentenced Blunt to two consecutive terms of up to ten years each.

Blunt appeals.

On appeal, Blunt contends the district court abused its discretion in sentencing him to two consecutive sentences of up to ten years each. "A sentence will be disturbed by a reviewing court only upon a showing that the trial court abused its discretion." *State v. Garrow*, 480 N.W.2d 256, 259 (Iowa 1992); *State v. Neary*, 470 N.W.2d 27, 29 (Iowa 1991). We review for an abuse of discretion. In order to show an abuse of discretion, one generally must show the court exercised its discretion "'on grounds or for reasons clearly untenable or to an extent clearly

unreasonable.'" *State v. Blackwell*, 238 N.W.2d 131, 138 (Iowa 1976) (quoting *Weeks v. Burnor*, 326 A.2d 138, 140 (Vt. 1974)).

The court stated its reasons for sentencing as follows:

Mr. Blunt, I have read your presentence investigation, and I have read numerous attachments to the presentence investigation. What I observe from this report is that, at age eighteen, you have been involved in many offenses involving aggression and assaultive behavior, violence, either by your direct participation or by your involvement with others who are involved in those activities. I see that you have been to the training school at Eldora. You've been evaluated there, you've been provided with their services. It is the Court's belief that that was the point at which you were to receive the message that you could not commit aggressive, assaultive, violent behaviors and remain in the community. I know that you're telling me today you now have the message, but you were at Eldora for a period of months, and the Court would have expected that you would have been able to get the message at that point.

Blunt had an extensive history in the juvenile court system. His juvenile record includes stipulations to one count of burglary and one count of criminal trespass; a delinquency adjudication for assault resulting in injury; a separate stipulation to two counts of burglary; and a delinquency adjudication for third degree sexual abuse. In addition, Blunt was classified as "on the run" from his custody placement in 1992. In the eight months since becoming an adult, Blunt has become involved in the current offense and has a conviction for failure to maintain control and eluding police.

The sentencing court properly weighed all the pertinent factors, including the nature and the circumstances of the offenses, and defendant's age, character, propensities, and chances for reform, in determining which sentencing option would

provide the best chances for his rehabilitation and maximum protection of the community. See Iowa Code § 901.5 (1993); *State v. Hildebrand*, 280 N.W.2d 393, 396 (Iowa 1979). We find the district court did not abuse its discretion in imposing the sentence of two consecutive sentences of up to ten years each.

AFFIRMED.