IN THE COURT OF APPEALS OF IOWA

No. 8-532 / 97-1422

STATE OF IOWA,

Plaintiff-Appellee,

vs.

KEVIN WAYNE ABBAS,

Defendant-Appellant.

FILED
NOV 30 1998
CLERK SUPREME COURT

Appeal from the Iowa District Court for Polk County, Donna L. Paulsen, Judge.

Defendant appeals from his conviction for forgery. **AFFIRMED.**

Dennis A. Bjorklund, Coralville, for appellant.

Thomas J. Miller, Attorney General, Sharon K. Hall, Assistant Attorney General, John P. Sarcone, County Attorney, and Jeff Noble and Odell McGhee, Assistant County Attorneys, for appellee.

Considered by Sackett, C.J., and Huitink, Streit, Vogel, and Mahan, JJ.

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PER CURIAM.

Defendant-appellant Kevin Abbas appeals from the sentence imposed after he pled guilty to forgery, a class D felony in violation of Iowa Code section 715A.2 (1995). Following defendant's plea, a presentence investigation report was prepared. The district court sentenced defendant to prison for a period not to exceed five years. Defendant appeals contending (1) the presentence investigation failed to comply with Iowa Code section 901.3, and (2) he should be re-sentenced. We affirm.

The scope of review for sentencing procedures is for the correction of errors of law. Iowa R. App. P. 4. A sentence based upon consideration of relevant factors will be reversed only for an abuse of discretion. *State v. Peters*, 525 N.W.2d 854, 859 (Iowa 1994).

Defendant claims the presentence investigator did not comply with Iowa Code section 901.3 in failing to contact family members, verify character references, and cite information about his education, marital status, social history, and employment. The presentence investigator is required to inquire and collect detailed information about the following:

> (1) The defendant's characteristics, family and financial circumstances, needs, and potentialities.
> (2) The defendant's criminal record and social history.
> (3) The circumstances of the offense.
> (4) The time the defendant has been in detention.
> (5) The harm to the victim, the victim's immediate family, and the community.
> (6) The defendant's potential as a candidate for the community service.
> (7) Any mitigating circumstances relating to the offense.

Iowa Code § 901.3 (1997).

The presentence investigation report did include the information as required by section 901.3. It contained detailed information about defendant's family, education, income, and problems with drugs and alcohol. The report included defendant's criminal record and detention dates. The investigator pointed out defendant's past criminal record precludes him from being eligible for the community service program or for deferred judgment.

Even if there were a lack of formal information regarding one of the factors set out in section 901.3, it would not necessarily mean there was an abuse of discretion in sentencing. *State v. Phillips*, 561 N.W.2d 355, 358-61 (Iowa 1997). The sentencing court has the duty to consider all the circumstances of a case, but the failure to acknowledge a particular claim of mitigation by the defendant does not mean it was not considered; rather, the sentence is reviewed on the entire record. *State v. Boltz*, 542 N.W.2d 9, 11 (Iowa App. 1995).

The sentencing court did commend defendant for attempting to turn his life around, but held the sentence to be appropriate in view of defendant's significant criminal history. The judge noted despite two prison sentences and his recent release from prison he still chose to continue to commit crimes. There is nothing to show other details about defendant's personal life would have persuaded the district court to pronounce a different sentence. The district court did not abuse its discretion. We affirm.

AFFIRMED.