

FILED

DEC 26 1984

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,

)

Plaintiff-Appellee,

)

Filed December 26, 1984

524

vs.

)

CARROLL D. ANDERSON,

)

4-448
84-592

Defendant-Appellant.

)

Appeal from the Iowa District Court for Dubuque County - T. H. Nelson,
Judge.

Defendant appeals from the sentences imposed upon his conviction of two
counts of fraudulent practices as defined in Iowa Code sections 422.25(5),
714.8(10), and 714.10(1). AFFIRMED.

Steven J. Hodge of Kaufman, Lange, Hodge & Neuhaus, Dubuque, for
defendant-appellant.

Thomas J. Miller, Attorney General, and Valencia Voyd McCown, Assistant
Attorney General, for plaintiff-appellee.

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

DONIELSON, J.

Defendant appeals from the sentences imposed upon his conviction of two counts of fraudulent practices as defined in Iowa Code sections 422.25(5), 714.8(10), and 714.10(1). He asserts that the district court abused its discretion in sentencing him to a 30-day jail term and a 60-day jail term, to be served consecutively.

Carroll D. Anderson was charged with eight counts of fraudulent practices; he was accused of willfully failing to file state income tax returns and pay state income taxes due. He entered a plea of guilty to two of the counts.

The district court sentenced the defendant to a 30-day jail term on one count and to a 60-day jail term on the other count, with the sentences to be served consecutively. The court indicated that its reason for the sentence was defendant's criminal record; it stated that "little is to be achieved by a suspended sentence." Defendant has appealed from this sentencing determination.

We interfere in discretionary sentencing only if there has been an abuse of discretion. State v. Zaruba, 306 N.W.2d 772, 776 (Iowa 1981). An abuse of discretion will be found when it is shown that discretion was exercised on grounds or for reasons clearly untenable, or to an extent clearly unreasonable. State v. Hildebrand, 280 N.W.2d 393, 396 (Iowa 1979); State v. Stanely, 344 N.W.2d 564, 567 (Iowa Ct. App. 1983).

There is no dispute that the trial court sentenced the defendant within the statutory maximum. Furthermore, the court had the authority to order that the sentences run consecutively.

Defendant suggests, however, that the trial court abused its discretion in sentencing the defendant to a total of 90 days and giving only "terse reasons" as to why the sentence was imposed. We disagree.

In support of the sentencing determination, the court stated:

The court has considered the sentencing options available under sec. 901.5 and has determined upon the following disposition, in part, because of Defendant's prior record and that little is to be achieved by suspended sentence.

We recognize that stated reasons for the sentencing determination were brief. However, brevity cannot be equated with inadequacy. The court's reasons were sufficient to show what motivated the decision. See State v. Victor, 310 N.W.2d 201, 205 (Iowa 1981). In any event, we cannot say that discretion was exercised "on grounds or for reasons clearly untenable." It seems clear that the court relied to some extent on defendant's prior criminal record. His record included, inter alia, convictions for OMVUI, reckless driving, carrying a concealed weapon, and fourth-degree theft. Due to the extent of defendant's criminal record, we believe the trial court was justified in ordering that the defendant be incarcerated.

AFFIRMED.