IN THE COURT OF APPEALS OF IOWA

No. 1-252 / 00-508
Filed June 13, 2001

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CLERK SUPREME COURT

STATE OF IOWA,
Plaintiff-Appellee,

vs.

LARRY DEWITT PETERS,
Defendant-Appellant.

Appeal from the Iowa District Court for Johnson County, Douglas S. Russell, Judge.

The defendant appeals from the judgment and sentence entered upon jury verdicts finding him guilty of two counts of second-degree burglary in violation of Iowa Code sections 713.1 and 713.5 (1999), and interference with official acts in violation of section 719.1. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Shellie L. Knipfer, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Donald D. Stanley, Jr., Assistant Attorney General, J. Patrick White, County Attorney, and Anne Lahey, Assistant County Attorney, for appellee.

Considered by Mahan, P.J., and Miller and Vaitheswaran, JJ.

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VAITHESWARAN, J.

A jury convicted Larry DeWitt Peters of two counts of second-degree burglary and one count of interference with official acts. Iowa Code §§ 713.1, 713.5, 719.1. The district court entered judgment and sentenced him to prison terms not exceeding ten years on the burglary counts, to be served consecutively.[1] The sole issue on appeal is whether the court articulated reasons to support the imposition of consecutive sentences on the burglary counts. We conclude it did and, accordingly, affirm.

Iowa Rule of Criminal Procedure 22(3)(d) requires a court to make a record of its reasons for choosing a particular sentence. *State v. Oliver,* 588 N.W.2d 412, 414 (Iowa 1998). If the court elects to order the sentences served consecutively, the court must explain why. *State v. Jacobs,* 607 N.W.2d 679, 690 (Iowa 2000). When a party alleges the district court failed to articulate any reasons for imposing a sentence, our review is for abuse of discretion. *Oliver*, 588 N.W.2d at 414.

After pronouncing sentence and ordering the burglary sentences served consecutively, the court stated:

> The reasons for this sentence are the nature and circumstances of the offense. The Court is well aware that there is a co-defendant in the case who received a different sentence because he was convicted of different offenses. I am taking into consideration also the Defendant's prior record of felony offenses and his prior record of failure to successfully complete parole. I take into account also the recommendation of the presentence investigation and the victim impact statements.

[1] The court also imposed a fine, surcharge, and restitution obligation on the interference count. The sentence on that count is not at issue here.

As this statement followed the court's articulation of Peters' sentence, we conclude it explains the entire sentencing plan, including the court's decision to impose consecutive sentences. *See State v. Johnson*, 445 N.W.2d 337, 343 (Iowa 1989). Accordingly, we affirm Peters' judgment and sentence.

AFFIRMED.