IN THE COURT OF APPEALS OF IOWA

No. 0-548 / 00-375
Filed September 27, 2000

STATE OF IOWA,
Plaintiff-Appellee,

vs.

DOUGLAS ARTHUR JOHNSON,
Defendant-Appellant.

FILED
SEP 27 2000
CLERK SUPREME COURT

Appeal from the Iowa District Court for Jasper County, Thomas W. Mott, District Associate Judge.

Defendant appeals from the judgment and sentence entered upon his guilty pleas to driving while barred and preventing apprehension in violation of Iowa Code section 321.561 (1999) and section 719.3 (1999). **AFFIRMED.**

Steven J. Holwerda of Selby, Updegraff, Smith & Holwerda, Newton, for appellant.

Thomas J. Miller, Attorney General, Darrel L. Mullins, Assistant Attorney General, Steve Johnson, County Attorney, and Michael K. Jacobsen, Assistant County Attorney, for appellee.

Considered by Sackett, C.J., and Streit and Vaitheswaran, JJ.

VAITHESWARAN, J.

A state patrol officer stopped a car driven by Douglas Arthur Johnson because Johnson was not wearing a seat belt. When asked to identify himself, Johnson responded his name was "Dennis" Johnson. While issuing him a citation under this name, the officer learned "Dennis" was really Douglas Johnson, a man wanted in Polk County on an outstanding warrant. The officer also found Johnson's identification card in the car, which listed his first name as Douglas. The officer arrested Johnson and he was subsequently charged with (1) operating a motor vehicle with a barred license and (2) preventing apprehension, both aggravated misdemeanors. Johnson pled guilty to both charges and was sentenced to two one-year jail terms to be served concurrently. On appeal, Johnson contends the district court abused its sentencing discretion by considering prior convictions for unrelated offenses. We disagree and affirm.

When a challenged sentence falls within statutory limits, our review is for abuse of discretion. *State v. Cooley*, 587 N.W.2d 752, 754 (Iowa 1998). At Johnson's sentencing hearing, the State recommended a two-year prison term based on Johnson's "extensive criminal history", which included convictions for thefts, second-degree burglary, and assault on a peace officer. The court then engaged in the following exchange with Johnson:

> THE COURT: Looks like you're kind of a habitual repeated violator. How do you explain repeatedly getting convicted of these offenses?
>
> MR. JOHNSON: I have through stupidity, actually, sir. In trouble quite a few times.
>
> THE COURT: Yes, so it seems. Well, you know, if you're going to be stupid, why then other people are going to do your thinking for you, like the sheriff, the Court, parole officers, probation officers, or prison officials. Why at your age do you not just straighten up and stay out of trouble?

MR. JOHNSON: That's what I wanted to do.
THE COURT: Well, so why don't you then?
MR. JOHNSON: I will.
THE COURT: And why have you not up until this time?
MR. JOHNSON: Just because, I don't know. I just been in trouble. I don't know, sir.

Following this exchange, the court stated it was imposing a two one-year concurrent jail sentence to deter Johnson as well as others.

Johnson contends only that the district court should not have considered his prior convictions because they were unrelated to his current offense. Our appellate courts, however, have affirmed district courts' consideration of unrelated prior offenses in sentencing. *See State v. Padavich,* 536 N.W.2d 743, 754 (Iowa 1995) (noting court considered prior assault conviction in sentencing defendant on drug possession charge); *State v. Johnson*, 513 N.W.2d 717, 718-19 (Iowa 1994) (holding district court did not abuse discretion in sentencing defendant for possession with intent to deliver controlled substance on basis of prior felony burglary conviction and eighteen unspecified misdemeanor convictions). Therefore, we conclude the district court did not abuse its discretion in sentencing Johnson and we affirm his sentence.

AFFIRMED.