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FEB 26 1985
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed February 26, 1985
vs.	)	
RUSSELL R. RAFFERTY,	)	5-30 84-530
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Linn County - Lynne E. Brady, Judge.

Defendant appeals from a judgment and sentence following guilty plea to first offense of operating a vehicle while intoxicated in violation of Iowa Code section 321.281 (1983). AFFIRMED.

Charles Harrington, Appellate Defender, and John P. Messina, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General, and Pamela S. Greenman, Assistant Attorney General, for plaintiff-appellee.

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

HAYDEN, J.

The defendant appeals from a judgment and sentence following guilty plea to first offense of operating a motor vehicle while intoxicated, in violation of Iowa Code section 321.281 (1983), asserting that the trial court failed to comply with the requirements of Iowa Rule of Criminal Procedure 8(2)(b) before accepting the defendant's guilty plea.

The State asserts that the defendant's failure to file a motion in arrest of judgment precludes any challenge to the adequacy of the guilty plea proceedings. We reject this argument.

The record fails to show that the trial court informed the defendant of the Iowa Rule of Criminal Prcedure 8(2)(d):

> Challenging plea of guilty. The court shall inform the defendant that any challenges to a plea of guilty based on alleged defects in the plea proceedings must be raised in a motion in arrest of judgment and that failure to so raise such challenges shall preclude the right to assert them on appeal. (Emphasis added.)

and Iowa Rule of Criminal Procedure 23(3)(b):

> Time of making motion by party. The motion must be made not later than forty-five days after plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction may be rendered, but in any case not later than five days before the date set for pronouncing judgment.

After accepting the guilty plea, the trial court asked defense counsel if he wished to waive the right to file a motion in arrest of judgment. Defense counsel replied, "Yes." This was the full extent of the trial court's discussion concerning a motion in arrest of judgment and such a motion was never filed.

It is apparent the trial court did not inform the defendant of the requirement to file a motion in arrest of judgment and the consequences of his failure to meet the requirement. See State v. Worley, 297 N.W.2d 368, 370 (Iowa 1980). Defendant is not precluded from appeal in this case because he failed to file an appropriate motion in arrest of judgment.

We do not agree with defendant's claim that trial court failed to substantially comply with the requirements of Iowa Rule of Criminal Procedure 8(2), except for Iowa Rule of Criminal Procedure 8(2)(d) which we have addressed. The record discloses that the trial court did not rely solely upon the "waiver of rights plea of guilty" form, which was criticized in State v. Flicker, 287 N.W.2d 857, 861-66 (Iowa 1980), but in addition made an extensive inquiry personally of the defendant, on the record, regarding the necessary requirements prior to accepting the plea.

AFFIRMED.