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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed November 24, 1981
vs.	)	1-312/66186
RONALD EUGENE FLUHR,	)	
Defendant-Appellant.	)	

Appeal from Black Hawk District Court, C. W. Antes, Judge.

Defendant appeals the sentence imposed following a plea of guilty to second-degree burglary in violation of section 713.4, The Code 1979. AFFIRMED.

W. H. Gilliam and Stephen J. Rapp of Rapp & Gilliam, Des Moines, for defendant-appellant.

Thomas J. Miller, Attorney General, and Richard L. Cleland, Assistant Attorney General, for plaintiff-appellee.

Submitted to Oxberger, C.J., and Donielson, Carter, Snell, and Johnson, JJ.

PER CURIAM

Defendant appeals the sentence imposed following a plea of guilty to second-degree burlgary in violation of section 713.4, The Code 1979. We affirm the sentence imposed.

The facts in this case are undisputed. On August 1, 1980, defendant was sentenced to "a term of not to exceed ten years" for the offense of burglary in the second degree in violation of section 713.4, The Code 1979. No reasons for imposition of the sentence were stated on the record as is required by Iowa R. Crim. P. 22(3)(d). Such a statement of reasons is mandatory and failure to provide it requires vacation of the sentence and remand for resentencing. State v. Luedtke, 279 N.W.2d 7, 8 (Iowa 1979). On the State's motion to remand, the Iowa Supreme Court ordered on November 26, 1980, that that sentence be vacated and the case be remanded for resentencing in compliance with Iowa R. Crim. P. 22(3)(d).

Defendant was resentenced on December 12, 1980, to an indeterminate ten-year term. The record shows the trial court stated the following as its reasons for imposing the sentence: "The reason (sic) for this sentence are three: Number 1, based upon the recommendation of the Department of Correctional Services; 2, recommendation of the office of the County Attorney and; 3, the nature of the offense and the prior record that you have had."

In this appeal defendant argues that the trial court failed to adequately state the reasons for the sentence it imposed and that the trial court abused its discretion in imposing the sentence it chose.

I. At the sentencing hearing, the defendant presented witnesses who urged that defendant should be allowed to return to his home or a similar place. The presentence report from the Department of Correctional Services, however, recommended incarceration, and the county attorney agreed with that recommendatoin. The court is entitled to give weight to this recommendation at the sentencing hearing. State v. Inger, 292 N.W.2d 119, 126 (Iowa 1980). In addition, the court considered the nature of the offense that defendant pleaded guilty to, and defendant's record of criminal behavior.

The trial court's statement of reasons showed it exercised its discretion based upon objective and reviewable criteria. Under the circumstances, we think the court's sentencing procedures complied with the statute. See State v. Wilson, 294 N.W.2d 824, 824 (Iowa 1980). State v. Luedtke, 279 N.W.2d at 8.

The reason behind requiring the trial court to state its reasons for selecting the specific sentence is to allow the appellate court to discern any abuse of discretion. See Luedtke, supra. Though the trial court was not verbose when it gave its reasons, we think that the statement of reasons it gave was sufficient to meet the statutory requirement and purpose.

II. Defendant also asserts the trial court abused its discretion in denying probation and sentencing defendant to a prison term of not more than ten years. The sentencing of defendant was within the discretion of the trial court and within the statutory limit, and we will not interfere unless the record shows an abuse of discretion on the part of the trial court.

We do not think the trial court abused its discretion. The court properly delineated the factors it considered in the exercise of its discretion, State v. Horton, 231 N.W.2d 36, 39 (Iowa 1975), and we therefore affirm the sentence imposed.

AFFIRMED.