FILED
APR 26 1979
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,)
Appellee,) Filed April 26, 1979
vs.)
MICHAEL E. BRODIE,) 64
Appellant.) 62053

Appeal from Story District Court - George G. Fagg, Judge.

Defendant appeals from sentence of imprisonment imposed following his conviction for manslaughter. AFFIRMED.

Thomas R. Hronek of Ames, Iowa for appellant.

Thomas J. Miller, Attorney General of Iowa; and Ann Fitzgibbons, Assistant Attorney General; for appellee.

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

PER CURIAM .

Defendant appeals from sentence imposed following his conviction for manslaughter. Defendant was charged pursuant to section 690.10, The Code 1977. At sentencing the court acceded to defendant's request that he be sentenced pursuant to section 707.5(1), Supplement to the Code 1977, as a Class D felon. The sentence thus imposed was not to exceed five years imprisonment. The basis of the State's prosecution against defendant stems from an automobile accident in which one Lynn Rockwell was killed. Defendant was alleged to be driving under the influence of alcohol at that time. Defendant's conviction was by jury verdict.

The only ground urged on this appeal is defendant's claim that the trial court, in sentencing him, ignored relevant considerations and relied too heavily on defendant's "life style" which he urges is an irrelevant consideration. We disagree.

We recognize that it is the duty of a sentencing judge in every case to consider all available options and to give due consideration to all relevant circumstances relating to both the defendant and the crime. State v. Robbins, 257 N.W.2d 63, 70 (Iowa 1977). The record in the present case reveals that the trial court considered the statutory guidelines for sentencing contained in section 907.3(2), Supplement to the Code 1977. The emphasis placed by the trial court on defendant's life style must be considered in context. The court, in imposing sentence, stated, in part:

> And there hasn't been anything notable occur in his life style during that period of time from his relatively unstructured, nomadic pursuit of life, it having in it a history of compulsive alcohol usage. . . .
>
> And as I have already said, some maturing experience must come along that will cause him to settle down and sink final roots.
>
> So we have a long history of an unsettled life style. . . .
>
> He seemingly has enjoyed — at least that's the general tenor I get from the pre-sentence report — his nonconventional way of life, although today he quite unkindly characterizes himself as a drunk. . . .
>
> However, if he approaches this experience accepting the responsibility that the jury has found for the accident, he takes the incarceration as a part of that responsibility, he seeks benefit from the experience, then if this is his attitude, if he has been sincere here today that he is tired of being a drunk and a "nobody" and he now wants to sink roots, settle down, prove himself and be a "somebody," this experience will not be counterproductive at all. It will be a moment of change. . . .

We conclude that this was the trial court's way of saying that in its judgment a period of incarceration was the most effective way to provide maximum opportunity for the rehabilitation of the defendant and protection of the community from further offenses by the defendant.

The trial court did not abuse its discretion in sentencing defendant. Absent such an abuse we will not interfere. State v. Grgurich, 253 N.W.2d 605, 606 (Iowa 1977).

AFFIRMED.