FILED
MAY 31 1979
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,)
Plaintiff-Appellee,) Filed May 31, 1979
vs.)
AARON RAY BURTCHETT,) 109/61407
Defendant-Appellant.)

Appeal from Scott District Court - Margaret S. Briles, Judge.

Defendant appeals from sentence imposed following his plea of guilty to rape in violation of section 698.1, The Code 1975. Affirmed.

Donald E. Doyle, of Davenport, for appellant.

Thomas J. Miller, Attorney General of Iowa, Kermit L. Dunahoo, Assistant Attorney General, William Davis, Scott County Attorney, and Celeste Bremer, Assistant Scott County Attorney, for appellee.

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

PER CURIAM

Defendant Aaron Ray Burtchett entered a plea of guilty to rape in violation of section 698.1, The Code 1975, and was sentenced to imprisonment for a term of 20 years.[1] The maximum sentence for rape in violation of the 1975 code is life imprisonment.

Defendant appeals, contending that the trial court abused its discretion in sentencing him to imprisonment for 20 years, and urges the adoption of the American Bar Association Standards for Appellate Review of Sentencing.

The supreme court has repeatedly declined to adopt the ABA standards, State v. Killpack, 276 N.W.2d 368, 372 (Iowa 1979); State v. Hubbs, 268 N.W.2d 188, 191 (Iowa 1978); State v. Peckenschneider, 236 N.W.2d 344, 348 (Iowa 1975), and it is not our function to do so.

The trial court noted in its decision to sentence defendant to imprisonment that it considered rape a heinous offense. The sentence imposed was well within the statutory limits. See State v. Buck, 275 N.W.2d 194, 195 (Iowa 1979). In our opinion it is not excessive and does not reflect an abuse of discretion.

AFFIRMED.

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[1] Defendant was originally sentenced to a term "not to exceed 20 years" which was amended to a term of 20 years at a July 14, 1978 resentencing hearing. See State v. Terrill, 241 N.W.2d 16 (Iowa 1976); State v. Campbell, 217 N.W.2d 251 (Iowa 1974).