FILED
MAY 28 1985
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

482

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed May 28, 1985
vs.	)	5-184 84-1439
JERRY DOUGLAS MEIER,	)	
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Linn County, John F. Siebenmann, District Associate Judge.

Defendant appeals from the order imposing sentencing following his plea of guilty to second offense of operating a motor vehicle while intoxicated in violation of Iowa Code section 321.281. AFFIRMED.

Gerald J. Kucera of Bennett, Kucera and Taylor, Cedar Rapids, for defendant-appellant.

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

Considered by Oxberger, C.J., Donielson, and Schlegel, JJ.

OXBERGER, C.J.

The defendant was charged by information with second offense of operating a motor vehicle while intoxicated in violation of Iowa Code section 321.281. Defendant had a previous conviction and a previous deferred sentence for operating a motor vehicle while intoxicated. He filed a motion for adjudication of law points requesting the court to determine whether the license revocation provision under Iowa Code section 321.281(9)(a) would apply to him. The trial court then ruled that a deferred judgment would constitute a plea of guilty for the purpose of determining the applicability of Iowa Code section 321.281(9)(a). Defendant pleaded guilty to second offense of operating a motor vehicle while intoxicated and the court ordered that his driving privileges be revoked for six years pursuant to Iowa Code section 321.281(9)(a).

On appeal defendant asserts that the portion of his sentence which ordered revocation of his drivers license for a period of six years pursuant to section 321.281(9)(a) was illegal. Specifically, he argues that the trial court erred in considering his prior deferred sentence on which he was discharged from probation since under Iowa Code section 907.9 the deferred sentence was expunged from his criminal record.

The supreme court in State v. Blood, 360 N.W.2d 820 (Iowa 1985), held recently that deferred sentences be included in the determination of the applicability of Iowa Code section 321.281(9)(a). The court in Blood further stated that Iowa Code section 321.281(9)(a) was not a sentencing statute. Id. at 822. Instead it separately requires the court to perform the first step in the civil revocation of a drivers license. Id.

In light of the binding precedent of this ruling, defendant's sentence is affirmed.

AFFIRMED.