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IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,)

Appellee,) Filed April 26, 1979

vs.)

ROBERTA E. SCHWEITERS,) 79/60924

Appellant.)

Appeal from Scott District Court - Phillip T. Steffen, District Associate Judge.

Defendant appeals from sentence imposed following her conviction upon plea of guilty to the offense of accepting aid to dependent children under false pretenses. AFFIRMED.

Eugene P. Van Driel of Davenport, Iowa for appellant.

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

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

PER CURIAM

Defendant appeals from sentence imposed following her conviction upon plea of guilty to the offense of accepting aid to dependent children under false pretenses in violation of section 239.14, The Code 1975. She asserts that (a) the trial court failed to consider relevant information in the presentence investigation report and gave too much weight to the gravity of the offense in pronouncing sentence; and (b) the trial court abused its discretion in denying defendant probation and in imposing the maximum 3-month jail sentence. We reject both contentions and affirm the judgment and sentence.

I. In imposing sentence it is the duty of the trial court to consider any and all facts that would assist in the proper exercise of its discretion. State v. Kendall, 167 N.W.2d 909, 911 (Iowa 1969). The record in the present case shows that the trial court was furnished a detailed presentence investigation report and was familiar with the contents thereof. We will not presume that it did not consider all of what was contained therein with respect to both the person and the crime. Indeed, there is much to suggest that it did consider these matters. The court's oral comments did emphasize the seriousness of the offense whereby defendant had collected some $16,000 in ADC payments over a period of nine years as a result of knowingly concealing another source of support. Undoubtedly this was an important factor in the court's ultimate determination of defendant's sentence. But it is clear that other relevant factors were not ignored and in the final analysis the trial court believed a lesser sentence would unduly depreciate the seriousness of the offense. This is not an invalid ground upon which to determine sentence. See State v. Grgurich, 253 N.W.2d 605, 606 (Iowa 1977).

II. Nor can we conclude that the trial court abused its discretion in the length of defendant's sentence. Because it was within the statutory maximum, we will not interfere absent a showing of such abuse. Grgurich, 253 N.W.2d at 606.

We have considered all issues presented and affirm the judgment of the trial court.

AFFIRMED.