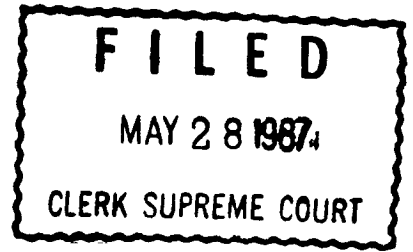


IN THE COURT OF APPEALS OF IOWA



STATE OF IOWA,)
Plaintiff-Appellee,)
vs.)
GARY E. LARSON,)
Defendant-Appellant.)

Filed May 28, 1987 298
7-126
86-980

Appeal from the Iowa District Court for Jefferson County (No. CR746) - James P. Rielly, Judge.

Defendant appeals from his conviction and sentence. **AFFIRMED.**

David L. Strand, Decorah, for defendant-appellant.

Thomas J. Miller, Attorney General; Bradley V. Black, Assistant Attorney General; and John Morrissey, Jefferson County Attorney, for plaintiff-appellee.

Considered by Snell, P.J., and Hayden, and Sackett, JJ.

PER CURIAM

Defendant Gary E. Larson entered a guilty plea to a charge of second-degree theft. He appeals from the resulting conviction and sentence. He contends (1) he should be permitted to withdraw his guilty plea because the county attorney's sentencing recommendation allegedly did not conform to the terms of the plea bargain, and (2) he should be permitted to withdraw his plea because of an alleged misunderstanding about the timing of the restitution contemplated by the plea agreement.

Larson charges his plea agreement was breached by the county attorney and his sentence be vacated for specific performance of the agreement. At sentencing Larson explained how his understanding of the plea agreement differed from the county attorney's. However, at no time did defendant object to the alleged breach, ask to withdraw his plea or request the court to order the county attorney to specifically perform the alleged plea agreement.

If defendant alleges there is a violation of a plea agreement made by the county attorney the defendant should object at the time and ask for an opportunity to withdraw his plea, and give the trial court the opportunity to rule on the issue. We will not entertain it for the first time on appeal. Semler v. Knowling, 325 N.W.2d 395, 399 (Iowa 1982); State v. Weig, 285 N.W.2d 19, 20 (Iowa 1979); State v. Green, 315 N.W.2d 854, 855 (Iowa App. 1981).

Defendant for the first time in his reply brief raises an issue of ineffective assistance of counsel. If the issue is properly before us we determine the record is not sufficient to allow us to address the issue. We reserve to the defendant the right to address the issue of ineffective assistance of counsel in other proceedings.

AFFIRMED.