FILED
DEC 21 1978
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed December 21, 1978
vs.	)	
RAYMOND DALE CAMPBELL,	)	746
Defendant-Appellant.	)	2-61850

Appeal from Cerro District Court - B. C. Sullivan, Judge.

Defendant appeals from adjudication as an habitual traffic offender pursuant to § 321.555(2), The Code. Affirmed.

Mark S. Soldat, of Algona, counsel for appellant.

Richard C. Turner, Attorney General of Iowa, Raymond Sullins and Tom Evans, Assistant Attorney Generals, counsel for appellee.

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

DONIELSON, J.

Defendant Raymond Dale Campbell appeals the judgment finding him to be an habitual offender in violation of § 321.555(2), The Code 1977, and barring him from operating a motor vehicle within the state for one year. He contends that the trial court erred when it misinformed him of the possibility of a change of venue, refused to disqualify itself for bias, and revoked defendant's license instead of granting probation. We affirm.

On January 30, 1978, the State filed a petition in equity seeking a determination under § 321.555(2), The Code, that defendant is an habitual traffic offender. On February 24, 1978, the first of two hearings on the petition was continued to enable defendant to obtain counsel and certain evidence. Shortly after the hearing concluded, the record reflects the following exchange:

> (Defendant returned to Courtroom several minutes later.)
> THE DEFENDANT: Can I make a request?
> THE COURT: Yes.
> THE DEFENDANT: Can I have a change of venue?
> THE COURT: There is no change of venue.
> * * *

From this short exchange, defendant asks us to determine that the trial court was incorrectly informing the defendant that a change of venue was not available. However, comments from the trial court in the second hearing, at which defendant was represented by counsel, indicate that the statement by defendant was considered a formal motion for change of venue which was overruled. We treat it as such and find no merit in defendant's first contention.

Nor do we find merit in defendant's assertion that the trial judge failed to objectively analyze his impartiality before denying a change of venue and was in fact prejudiced against defendant. While defendant's motion for a change of venue raises no specific claims of prejudice on the part of the trial judge, rules 167(c) and 168(b), Rules of Civil Procedure, it should trigger sua sponte an objective in-depth search of conscience to determine whether a fair trial dictates the trial judge should make way for another judge. Canon 3C(1)(a), Iowa Code of Judicial Conduct; State v. Smith, 242 N.W.2d 320, 323-324 (Iowa 1976). Once a ruling has been made, only an abuse of discretion will support our interference. **Smith,** supra, at 324; State v. Miller, 254 Iowa 545, 548, 117 N.W.2d 447, 450 (1962). While the time period from "motion" to "ruling"

was very short, little reflection would have been required to see what bias or prejudice defendant could complain of. The record of the first hearing reflects the trial judge's repeated urgings that defendant obtain counsel, and his willingness to grant a continuance. The continuance granted to allow defendant to obtain certain evidence was the suggestion of the trial judge. Comments made at the second hearing reflect the trial court's interest in defendant receiving a fair trial. We find no prejudice and no abuse of discretion.

At the second hearing defendant pleaded for leniency by asking the trial court to continue his case rather than revoke his driving privileges. Defendant argued this would have the effect of placing defendant on probation and allow him to continue his very recent good driving record. Although defendant's last violation before hearing occurred July 20, 1976, his abstract of convictions showed eighteen violations from July 30, 1974 to that date. Nine of these were for speeding. Section 321.560 provides: "... A license to operate a motor vehicle in this state shall not be issued to any person declared to be habitual offender under section 321.555, subsection 2 for a period of one year from the date of judgment." There was no abuse of discretion by the trial court in its adjudication of defendant as an habitual traffic offender. See State v. Noonan, 246 N.W.2d 236, 237 (Iowa 1976).

AFFIRMED.