FILED
JUN 24 1977
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

ELMER JOHN LAPPE, JR., Appellant,	)	Filed June 24, 1977
v.	)	
STATE OF IOWA, Appellee.	)	208 2-59992

Appeal from Linn District Court - Louis F. Schultz, Judge.

Appeal from dismissal of petition for postconviction relief. Affirmed.

David S. Good, Nazette, Hendrickson, Marner & Good, of Cedar Rapids, for appellant.

Richard C. Turner, Attorney General, Shirley G. Steele, Assistant Attorney General, and Eugene J. Kopecky, Linn County Attorney, for appellee.

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

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PER CURIAM

Plaintiff, Elmer John Lappe, Jr., appeals trial court's dismissal of his petition for postconviction relief.

On May 3, 1974, Lappe received concurrent sentences of ten years and five years in the Men's Reformatory following his pleas of guilty to charges of breaking and entering and attempted breaking and entering. Lappe never took a direct appeal to the Iowa Supreme Court. Instead on June 21, 1976, he filed a petition for postconviction relief alleging that his pleas of guilty were involuntary and requested permission to withdraw them. *See* State v. Fisher, 223 N.W.2d 243 (Iowa 1974). Trial court dismissed his petition for two reasons: (1) there was no direct appeal to the Iowa Supreme Court and hence Lappe had waived any right to a collateral attack on these grounds, *see* Rinehart v. State, 234 N.W.2d 649, 654-658 (Iowa 1975), section 663A.8, The Code; and (2) the plaintiff's pleas of guilty were voluntary. *See* State v. Parrish, 232 N.W.2d 511 (Iowa 1975). On appeal, Lappe in written brief has only challenged that portion of trial court's decree finding his pleas were voluntary. He has ignored trial court's finding that his failure to take a direct appeal on these grounds waived them. This omission is fatal to meaningful review. While trial court may have erroneously raised the issue on its own motion, *see* Hack v. Auger, 228 N.W.2d 42, 44 (Iowa 1975), Lappe's failure to challenge the trial court's ruling on appeal makes it the law of this case. Miller v. Young, 168 N.W.2d 45, 50 (Iowa 1969); Ertl Company v. Lange Plastics Co., 158 N.W.2d 93, 98-99 (Iowa 1968). *See also*, Bennett v. Ida County, 203 N.W.2d 228, 234 (Iowa 1972).

Trial court's judgment hereby is affirmed.