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CLERK SUPREME COURT

273

IN THE COURT OF APPEALS OF IOWA

RICHARD DEWAYNE MATHIS,	)	
Petitioner-Appellant,	)	Filed October 28, 1982
vs.	)	2-310
STATE OF IOWA,	)	2-67745
Respondent-Appellee.	)	

Appeal from Black Hawk District Court, Peter Van Metre, Judge.

The petitioner appeals from the trial court's denial of postconviction relief. The issues concern the validity of the petitioner's 1979 guilty plea and the effectiveness of his counsel in the guilty plea proceeding. AFFIRMED.

James Beeghly of Gartelos, Wagner, Beeghly & Mattson, Waterloo, for petitioner-appellant.

Thomas J. Miller, Attorney General, and Joseph P. Weeg, Assistant Attorney General, for respondent-appellee.

Considered by Oxberger, C.J., and Donielson, Snell, and Johnson, JJ.

OXBERGER, C.J.

This is an appeal by Richard Mathis from the denial of his application for postconviction relief. In his application, he alleged that in the district court proceedings relating to his conviction, he was not adequately assisted by counsel and that his pleas of guilty were not voluntarily and intelligently made.

On pleas of guilty, Mathis was convicted of the crime of theft in the second degree in violation of Iowa Code § 714.2(2) and of operating a motor vehicle without the owner's consent in violation of Iowa Code § 714.7 (1979). He was sentenced to be confined for a term not to exeed five years for the first offense and for a term not to exceed twelve months for the second. Both of these sentences were suspended during good behavior, and he was committed to the custody, care, and supervision of the first judicial district department of correctional services for a period of not less than five years for the first offense and two years for the second, and to a residential treatment facility for a period of 365 days. Some seven months later, probation was revoked in regard to both of the above convictions.

Prior to entering the plea-bargaining negotiations, Mathis was under the mistaken belief that the maximum penalty for the second-degree theft was greater than the actual penalty, and was informed by the court at change-of-plea proceedings that the maximum possible penalty was greater than the actual penalty provided by statute. In addition, he was not advised by the court or by his counsel as to the possibility of consecutive sentences. He therefore contends that his guilty pleas were not voluntarily and and intelligently made and that he is therefore entitled to withdraw them.

Under Iowa Rule of Criminal Procedure 8B, the court is required to inform the defendant of the mandatory minimum punishment and the maximum possible punishment provided by the statute defining the offense for which a guilty plea is offered before accepting a plea of guilty.

We find, however, that Mathis failed to move in arrest of judgment or appeal from the plea or sentencing proceedings. Nineteen months after the hearing, he filed an application for postconviction relief pursuant to Iowa Code Chapter 663A (1981). Under section 663A.8, Mathis has the burden of providing a sufficient reason as to why he failed to raise these grounds in any previous court proceedings, including the proceeding that resulted in the sentence. Redding v. State, 274 N.W.2d 315, 317 (Iowa 1979); Bledsoe v. State, 257 N.W.2d 32, 33 (Iowa 1977); Horn v. Haugh, 209 N.W.2d 119, 121 (Iowa 1973).

Mathis contends that he should have been granted postconviction relief because of ineffective assistance of counsel in these proceedings, in that counsel failed to move for arrest of judgment.

Even if we assume, arguendo, that Mathis is correct in this particular, and address ourselves to the merits, we find that Mathis cannot prevail.

Mathis was not prejudiced by the failure of the trial court to inform him of the possibility of consecutive sentences or of the correct maximum and minimum sentences for which he might potentially have been liable. The misinformation did not affect the voluntariness or factual accuracy of his plea, the sentence which was imposed was that for which he had bargained and was less than he might have received had he not entered into the plea-bargaining arrangement, and consecutive sentences were not imposed upon him. When a plea-taking error is such that no doubt is raised as to the voluntariness or factual accuracy of the plea, the error may properly be disregarded, provided the defendant is unable to prove prejudice. State v. Fluhr, 287 N.W.2d 857, 864 (Iowa 1980).

Since Mathis's guilty plea was voluntary, and any error committed during the proceedings was harmless, we affirm.

AFFIRMED.