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IN THE COURT OF APPEALS OF THE STATE OF IOWA

STATE OF IOWA,	)	
Appellee,	)	Filed December 28, 1977
v.	)	
DOUGLAS E. STODDARD,	)	<u>354</u>
Appellant.	)	60676

Appeal from Woodbury District Court - David J. Blair, Judge.

Defendant appeals his conviction on a plea of guilty and the sentence imposed.
Affirmed.

Gary E. Wenell, of Sioux City, for appellant.

Richard C. Turner, Attorney General, and Zigmund Chwirka, Woodbury County
Attorney, for appellee.

Heard by Allbee, C.J., and Donielson, Snell, Oxberger and Carter, JJ.

PER CURIAM

Defendant, Douglas E. Stoddard, appeals from judgment entered on his plea of guilty to the charge of forgery in violation of § 718.1, The Code. He makes three assignments of error which we discuss in the order briefed.

1. Defendant first argues that trial court should not have accepted his guilty plea because there was no showing that the plea was entered knowingly and voluntarily, or that there was a factual basis for the plea. The standards for review are explained in *Brainard v. State*, 222 N.W.2d 711 (Iowa 1974) and *State v. Sisco*, 169 N.W.2d 542 (Iowa 1969). Defendant was made aware of the elements of the offense. Trial court revealed those elements to him in the following manner:

THE COURT: All right. Before you could be found guilty of the offense charged in the Information, the State would have to establish by the evidence beyond a reasonable doubt each and all of the following propositions: 1. That you, on or about November 30, 1976, in Woodbury County, Iowa, signed the name of W. H. Coolidge to a check which is described in the Information filed in this case. Secondly, that you signed the name W. H. Coolidge without authority so to do. And third, that you did so with intent to defraud.

Now, if the State failed to establish any one or more of these three propositions beyond a reasonable doubt, then it would be the obligation of the jury to acquit you and you would not be guilty of the offense of forgery; but if the State would prove all of these propositions beyond a reasonable doubt, then it would be the duty of the jury to convict you and to return a verdict of guilty.

Now, that is essentially the nature of the offense known as forgery with which you are charged, and those are the elements of the offense of forgery.

Again, do you understand the offense with which you are charged?

MR. DOUGLAS E. STODDARD: Yes.

THE COURT: Do you wish any further explanation of any kind?

MR. DOUGLAS E. STODDARD: No, sir.

(Tr. 28-29.)

Defendant was advised of the potential penalties for the crime charged. (Tr. 21.) Through his responses to the court's questions defendant represented that the plea was his own, voluntary decision. (Tr. 24.) The record makes it clear that defendant's plea was made knowingly, intelligently and voluntarily.

The record also shows minimal, but sufficient, factual basis for accepting the plea. (Tr. 25, ll. 21-23.) There is no merit in defendant's first argument.

II. Defendant next contends that trial court abused its discretion in failing to allow him to withdraw his guilty plea. The standard of review on this question was repeated in *State v. Watts*, 225 N.W.2d 143, 146 (Iowa 1975). Because the record shows defendant entered his plea with full knowledge of the charge against him, of his rights, and of the consequences of the plea, the court's refusal to allow withdrawal was not an abuse of discretion.

III. Finally, Mr. Stoddard objects that the sentence imposed is too harsh. The sentence was within the range permitted by § 718.1, The Code. In light of defendant's previous record, particularly his repeated convictions for uttering forged instruments, the sentence was within trial court's sound discretion. See *State v. Grgurich*, 253 N.W.2d 605 (Iowa 1977).

AFFIRMED.