IN THE COURT OF APPEALS OF IOWA

No. 0-260 / 99-1201
Filed May 31, 2000

FILED
MAY 31 2000
CLERK SUPREME COURT

STATE OF IOWA,
Plaintiff-Appellee,

vs.

WAYNE LAMONT CAMP, Jr.,
Defendant-Appellant.

Appeal from the Iowa District Court for Polk County, Artis Reis, Judge.

Defendant appeals from the judgment and sentence entered following his guilty plea to possession of a controlled substance with intent to deliver. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Robert P. Ranschau, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Denise A. Timmins, Assistant Attorney General, John P. Sarcone, County Attorney, and Daniel Voogt, Assistant County Attorney, for appellee.

Considered by Streit, P.J., and Zimmer and Hecht, JJ.

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STREIT, P.J.

Wayne Camp claims the trial court abused its discretion in refusing to permit the withdrawal of his guilty plea. The plea, however, was voluntary and knowing. The trial court conducted the plea proceedings in strict accordance with the procedural safeguards demanded by the Constitution and our rules of criminal procedure. The court was well within its discretion in denying the withdrawal of the plea. The sentence is affirmed.

I. Background Facts & Proceedings.

In February of 1999 the State charged the defendant, Wayne Camp, with possession of a controlled substance, interference with official acts, escape from custody, possession with intent to deliver a controlled substance (a class "B" felony), and failure to possess a tax stamp. Camp agreed to plead guilty to a reduced possession with intent to deliver charge (a class "C" felony), in exchange for the dismissal of the remaining charges.

During the plea colloquy Camp expressed some trepidation about pleading guilty. In response, the court granted Camp several opportunities to confer with his attorney and discuss the source of his confusion. Subsequent to those off-the-record discussions, Camp agreed to plead guilty, acknowledged the rights he was forgoing, and provided a factual basis for the offense. The court accepted his plea.

Soon thereafter Camp filed a motion to withdraw his plea, claiming to misunderstand the concept of aiding and abetting, and then later retracted that motion and proceeded to sentencing. At sentencing Camp again expressed his

innocence and further indicated he was only pleading guilty to escape the harshness of the original charges. The court immediately continued the sentencing proceedings in order to further explore Camp's apparent reassertion of his motion to withdraw. Upon hearing the reasserted motion to withdraw, the court denied Camp's request to withdraw his plea and sentenced him accordingly.

Camp appeals, claiming the trial court abused its discretion in failing to permit the withdrawal of his plea.

II. Standard of Review.

A trial court's denial of a motion to withdraw a guilty plea is reviewed for an abuse of discretion. *State v. Speed*, 573 N.W.2d 594, 596 (Iowa 1998). A trial court abuses its discretion when it is "exercised on grounds or for reasons clearly untenable or to an extent clearly unreasonable." *State v. Blum*, 560 N.W.2d 7, 9 (Iowa 1997).

III. The Merits.

The trial court may, without abusing its discretion, refuse to permit the withdrawal of a guilty plea, "if a defendant, with full knowledge of the charge against him and of his rights and the consequences of a plea of guilty, enters such a plea understandably and without fear or persuasion." *State v. Weckman*, 180 N.W.2d 434, 436 (Iowa 1970). Camp's plea was both voluntary and knowing. The trial court explained the nature of the crime and the maximum penalties associated with such an offense in detail. It delved into Camp's education, state of mind, and understanding. Camp responded in the affirmative

when the court asked if the plea was voluntary and free of persuasion. Whenever Camp expressed even a hint of hesitation, the court was quick to grant Camp the opportunity to converse with his attorney. Additionally, Camp admitted to the knowing possession of a controlled substance with the intent to deliver that substance. The court's colloquy was a textbook example on the proper procedure for taking a defendant's plea of guilty. As such, we cannot find the court abused its discretion in denying Camp's request to withdraw his guilty plea. The sentence is affirmed.

AFFIRMED.