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CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA, Appellee, v. CHARLES SAMUEL FURNISH, Appellant.	)	Filed January 31, 1978 383 60610

Appeal from Polk District Court - Ray Hanrahan, Judge.

Defendant appeals from judgment imposed after plea of guilty to breaking and entering, alleging insufficient factual basis for accepting the plea. Affirmed.

John C. Wellman, of Des Moines, for appellant.

Richard C. Turner, Attorney General, and Dan Johnston, Polk County Attorney, for appellee.

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

PER CURIAM

Defendant, Charles Samuel Furnish, appeals from judgment entered upon a plea of guilty to the crime of breaking and entering as defined in § 708.8, The Code 1975. The sole issue presented is whether the trial court established in the record the existence of an adequate factual basis for the guilty plea before entering judgment. We affirm the trial court.

American Bar Association Minimum Standard on Pleas of Guilty 1.6, adopted in State v. Sisco, 169 N.W.2d 542, 548 (Iowa 1969), requires an inquiry prior to entry of judgment by the court in order to satisfy it that there is a factual basis for a guilty plea. Subsequent opinions have followed **Sisco** in this regard. State v. Lemburg, 257 N.W.2d 39, 43 (Iowa 1977); Ryan v. Iowa State Penitentiary, Ft. Madison, 218 N.W.2d 616, 618 (Iowa 1974).

Defendant contends the record in this case is insufficient to establish a factual basis because the colloquy between defendant and the court is similar to that found inadequate in State v. Williams, 224 N.W.2d 17 (Iowa 1974). The relevant conversation here was as follows:

> THE COURT: Did you break into this building at 1553 East Grand?
>
> DEFENDANT: Yes, I did.
>
> THE COURT: And was it with the intent to commit a public offense?
>
> DEFENDANT: Yes.

Of course the preferable method of establishing a factual basis is for the judge to ask the defendant, "What did you do?" State v. Greene, 226 N.W.2d 829, 831 (Iowa 1975). It is not necessary that the trial court wring from defendant a detailed confession satisfying each element of the offense charged. State v. Hansen, 221 N.W.2d 274, 276 (Iowa 1974). We believe that here, as in Lemburg, supra at 43, the inquiry can be distinguished from that held inadequate in **Ryan.** Here the trial court asked defendant if he committed the acts which constitute the crime with the requisite intent. We need not limit our holding, however, to whether the above colloquy standing alone, provides an adequate factual basis for the plea. Colloquy with the defendant is merely one of the methods of determining that a factual basis exists for a plea. Ryan v. Iowa State Penitentiary, Ft. Madison, 218 N.W.2d 616, 619 (Iowa 1974).

In this case the record of the sentencing hearing reveals that the trial court had examined the presentence report prior to entering judgment. Such an examination is another method of determining the existence of a factual basis. Ryan, supra at 619. The presentence report contained a signed statement, labelled Defendant's Version of the Offense, in defendant's handwriting, stating that he entered the store to obtain beer and money. This bolsters the factual basis as it relates to the offense which defendant intended to commit -- a matter not fully developed in the colloquy.

The fact that the defendant's version of the offense was written two days after the guilty plea was accepted is not fatal. The factual basis requirement can be met any time before judgment is pronounced. Ryan, supra at 618.

AFFIRMED.