IN THE COURT OF APPEALS OF IOWA

No. 0-536 / 99-1850
Filed September 27, 2000

FILED
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CLERK SUPREME COURT

STATE OF IOWA,
Plaintiff-Appellee,

vs.

RANDY GLENN FRY,
Defendant-Appellant.

Appeal from the Iowa District Court for Decatur County, Paul R. Huscher, Judge.

Defendant appeals from the sentence entered following his guilty plea to possession of a controlled substance with intent to deliver/manufacture. *See* Iowa Code § 124.401(1)(c)(6) (1999). **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Stephan J. Japuntich, Assistant State Appellate Defender, for appellant.

Thomas J. Miller, Attorney General, Kristin Mueller, Assistant Attorney General, and Carol A. Clark, County Attorney, for appellee.

Considered by Huitink, P.J., and Mahan and Zimmer, JJ.

MAHAN, J.

Defendant appeals from the sentence entered following his guilty plea to possession of a controlled substance with intent to deliver/manufacture. *See* Iowa Code § 124.401(1)(c)(6) (1999). Defendant contends the court erred by failing to include in its sentencing order an accounting of the credit defendant was to receive for time served.

Fry cites Iowa Code sections 901.6 and 903A.5, and Iowa Rule of Criminal Procedure 23(5)(b) for the proposition the district court is required to include an accounting of defendant's credit for time served in its sentencing order. The sentencing order entered by the district court stated, "The Defendant shall receive credit for time served after his arrest in this matter."

The Iowa Supreme Court recently rejected the same argument Fry raises in *State v. Hawk*, __ N.W.2d __ (Iowa 2000), and *State v. Kepple*, __ N.W.2d __ (Iowa 2000). The court held Iowa Code sections 901.6 and 903A.5 do not require a judicial accounting of credit for time served. *Hawk*, __ N.W.2d at __; *Kepple*, __ N.W.2d at __. That duty falls on the sheriff and clerk of court, whose calculations are incorporated into an inmate's sentence in accordance with section 901.6. *Hawk*, __ N.W.2d at __; *Kepple*, __ N.W.2d at __. We affirm the district court.

AFFIRMED.