FILED
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284
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,
Plaintiff-Appellee,
vs.
LEE E. STROPES,
Defendant-Appellant.

Filed February 24, 1981

0-436
64368

Appeal from Scott District Court - Lowell Phelps, Judge.

Defendant appeals from sentence imposed following his plea of guilty to a charge of false drawing of a check in violation of section 713.3, The Code 1975. AFFIRMED.

John A. Nahra, Davenport, for defendant-appellant.

Thomas J. Miller, Attorney General of Iowa, Lona Hansen, Assistant Attorney General, and William E. Davis, Scott County Attorney, for plaintiff-appellee.

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

PER CURIAM

Defendant appeals from sentence imposed following his plea of guilty to a charge of false drawing of a check in violation of section 713.3, The Code 1975. He claims that the trial court erred in failing to give him an opportunity to withdraw his guilty plea after the court refused to follow the sentence recommended in the plea bargain and that the seven-year sentence imposed was an abuse of discretion. We affirm.

I. In State v. Parrish, 232 N.W.2d 511, 515 (Iowa 1975), the court said that the trial court is not required to allow a defendant to withdraw a guilty plea entered pursuant to a plea bargain agreement if the following conditions are met: 1) the court renounces participation in the bargain; 2) denies any inclination to be bound by it; 3) such renunciation and denial are made known to defendant; and 4) defendant thereafter enters or affirms his guilty plea. After examining the transcript of the guilty plea proceedings, we conclude that these four conditions were satisfied. The court made it clear to defendant that it would not be bound by the plea bargain. Defendant responded that he understood and subsequently pleaded guilty. The sentencing court was not obligated to permit withdrawal of the guilty plea or advise defendant further with respect thereto after that court decided not to follow the recommendation in the plea bargain. State v. Townsend, 238 N.W.2d 351, 356, 357 (Iowa 1976). We find no basis for invalidating defendant's guilty plea.

II. Defendant also claims that the trial court's imposition of a seven-year sentence was an abuse of discretion. There is no claim that the sentence exceeds the statutory maximum. A sentence within the statutory limits will be set aside only for abuse of discretion. State v. Nelson, 279 N.W.2d 1, 3 (Iowa 1979). In this case the court considered defendant's criminal history and the fact that he left the state before his original sentencing date of April 14, 1977, went to Colorado and had to be extradited to this state for sentencing which was held on November 12, 1979. Defendant was fully apprised of these reasons. We are unable to say that the court abused its discretion in imposing a seven-year sentence on defendant.

AFFIRMED.