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CLERK SUPREME COURT
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IN THE IOWA COURT OF APPEALS

OLDEN (NMN) BUTLER, JR.,	)	
Petitioner-Appellant,	)	
vs.	)	
STATE OF IOWA,	)	1-231 2-65161
Respondent-Appellee.	)	

Appeal from Scott District Court, J. Hobart Darbyshire, Judge.

The defendant appeals from the denial of his application for postconviction relief. AFFIRMED.

Dennis D. Jasper of Stafne, Lewis & Jasper, Bettendorf, for defendant-appellant.

Thomas J. Miller, Attorney General, and Michael K. Jordan, Assistant Attorney General, for plaintiff-appellee.

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

PER CURIAM

The defendant pled guilty to a charge of assault with intent to commit murder in a hearing on February 25, 1975. We affirm.

At the sentencing hearing in March, the defendant stated that he wanted to withdraw his guilty plea, but the judge refused to allow him to do so and sentenced him to an indeterminate term not to exceed 30 years. The defendant did not appeal. On December 12, 1979, the defendant filed his Application for Postconviction Relief, which was denied after a hearing in a ruling filed April 2, 1980. The defendant appeals this denial of postconviction relief.

The defendant argues that the original trial court erred in accepting his guilty plea. We disagree. The record shows that the trial court complied with the requirement of State v. Sisco, 169 N.W.2d 542 (Iowa 1969) and Brainard v. State, 222 N.W.2d 711 (Iowa 1974). The judge extensively questioned the defendant before accepting the guilty plea. The Information was read to the defendant, and the trial judge questioned the defendant in great detail regarding the facts which led to the charge, the meaning of the charge itself, the punishment involved, the defendant's constitutional rights, the adequacy of the defendant's attorney, the voluntariness of the plea, and the meaning of pleading guilty. The defendant related in his own words what he had done, after he consulted with his attorney. It is true that the trial judge did not specifically explain to the defendant what the intent element meant. However, the judge thoroughly questioned him regarding the charge, and the defendant stated he had shot at the victim and understood that he was charged with attempting to kill a person, but that since the person had not died, he was charged with assault with intent to commit murder, rather than murder. It was clear that the defendant understood the nature of the charge against him. Therefore, although specifically discussing the intent element would have been commendable, it was not necessary. Michels v. Brewer, 211 N.W.2d 293, 296 (Iowa 1973). The trial judge did not have to follow a ritualistic formula in determining the voluntariness of the guilty plea, the defendant's knowledge of the charge and legal consequences of his plea, and that there was a factual basis to support the plea. Sisco, supra at 548.

The defendant also argues that the original trial court erred in not allowing him to withdraw his guilty plea. The allowance of such a withdrawal was within the trial

court's discretion. Section 777.15, Iowa Code 1973; State v. Watts, 225 N.W.2d 143 (Iowa 1975); State v. Kirchner, 216 N.W.2d 316 (Iowa 1974). "The rule is now clear that 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, the court may without abusing its discretion refuse to permit its withdrawal." State v. Weckman, 180 N.W.2d 434, 436 (Iowa 1970). The record is clear that the court in this case did not abuse its discretion. The lower court was correct in denying postconviction relief.

AFFIRMED.