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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

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STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed September 30, 1987
vs.	)	
JEFFREY R. VESTAL,	)	7-452 87-443
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Polk County (34046), Richard Strickler, Judge.

Defendant appeals from his guilty plea and sentence. **AFFIRMED.**

Charles Harrington, Chief Appellate Defender, and Michael J. Laughlin, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General of Iowa, and Ann E. Brenden, Assistant Attorney General, for plaintiff-appellee.

Considered by Donielson, P.J., and Schlegel and Hayden, JJ.

PER CURIAM 283

Defendant pled guilty to delivery of a controlled substance, cocaine, and was sentenced to a period of incarceration not to exceed ten years. Previous to this plea, defendant had his probation revoked on an unrelated burglary charge. As a result of a plea bargain, the State agreed to have the burglary and drug sentences run concurrently and have a second burglary charge dismissed in return for defendant's guilty plea. Defendant seeks to set aside his guilty plea.

Defendant claims he was denied his statutory right of allocation. The record reveals before sentence was pronounced by the trial court defendant's counsel stated: "I also know of no reason why sentence can't be pronounced at this time." The sentencing procedure was abbreviated. We determine this statement constituted an exercise of defendant's right of allocation. See State v. Stakenburg, 215 N.W.2d 265, 267 (Iowa 1974).

We do not decide defendant's claim of ineffective assistance of counsel in this appeal. Defendant claims his attorney failed to advise him of the minimum sentence he would have to serve. Defendant is preserved the right to pursue this claim in a later proceeding. The attorney is entitled to a day in court also. State v. Coil, 264 N.W.2d 293, 296 (Iowa 1978).

AFFIRMED.