IN THE COURT OF APPEALS OF IOWA

No. 6-622 / 95-2084

STATE OF IOWA,

Plaintiff-Appellee,

vs.

NIELS RANDY SCHMIDT,

Defendant-Appellant.

FILED
NOV 27 1996
CLERK SUPREME COURT

Appeal from the Iowa District Court for Tama County, Sylvia A. Lewis, District Associate Judge.

Niels Schmidt appeals from judgment and sentence entered following a jury trial for three counts of driving under revocation and one count of driving under suspension. **AFFIRMED.**

James T. Peters, Independence, for appellant.

Thomas J. Miller, Attorney General, Bridget A. Chambers, Assistant Attorney General, and Brent D. Heeren, County Attorney, for appellee.

Considered by Sackett, C.J., and Cady and Streit, JJ.

PER CURIAM

This is an appeal by a defendant challenging his convictions on three counts of driving while license revoked, in violation of Iowa Code section 321J.21, and one count of driving while license suspended, in violation of section 321A.32. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9. This is a companion case to *State v. Schmidt*, No. 96-80 (Iowa App. Nov. 27, 1996).

Niels Schmidt was previously convicted of driving while intoxicated, and he received a deferred judgment in that case. Due to a procedural error, the Department of Transportation (DOT) did not administratively revoke his driver's license. However, on December 16, 1994, the district court issued an order that Schmidt's license should be revoked for 180 days.

As of February 9, 1995, Schmidt's license was revoked. On March 6, 1995, he was arrested for driving while license suspended and revoked. Schmidt received a work permit on March 7, 1995. On March 18 and April 12, 1995, he was arrested for driving while license revoked when he was discovered to be driving beyond the limits of his work permit.

Schmidt represented himself at his criminal trial on these charges. He presented no evidence and made no arguments. A jury found him guilty of three counts of driving while license revoked and one count of driving while license suspended.

Schmidt now appeals. He claims the district court did not have authority to revoke his license for 180 days and, therefore, his present convictions should be overturned. Section 321J.4(2) provides that when a court defers judgment in an OWI case, the defendant's driver's license may be revoked for a period of not less than thirty days nor more than ninety days.

We find Schmidt has failed to preserve error on this issue. He did not appeal the order revoking his license for 180 days. Neither did he raise the present issue before the district court. Because Schmidt has failed to preserve error, we are unable to address the merits of his claim. We may not consider an issue that is raised for the first time on appeal, even if it is of constitutional dimension. *State v. Webb*, 516 N.W.2d 824, 828 (Iowa 1994).

We affirm Schmidt's convictions. Costs of this appeal are assessed to Schmidt.

AFFIRMED.