

FILED

APR 24 1984

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,

)

Plaintiff-Appellee,

)

Filed April 24, 1984

373

vs.

)

BRENT J. WELCH,

)

4-64
83-862

Defendant-Appellant.

)

Appeal from the Iowa District Court for Cedar County - Max R. Werling,
Judge.

Defendant appeals from the sentence imposed on his guilty plea conviction
for operating a motor vehicle while intoxicated, third offense, in violation of Iowa
Code section 321.281. **AFFIRMED.**

H. Reed Doughty of Winstein, Kavensky, Wallace & Doughty, Rock Island,
Illinois, for defendant-appellant.

Thomas J. Miller, Attorney General of Iowa, and Lona Hansen, Assistant
Attorney General, for plaintiff-appellee.

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

PER CURIAM

Defendant appeals from the sentence imposed on his guilty plea conviction for operating a motor vehicle while intoxicated, third offense, in violation of Iowa Code section 321.281. He claims the court abused its discretion in sentencing him to an indeterminate five-year prison term. We affirm.

We will not interfere with a trial court's sentencing decision unless that court has abused its discretion in imposing sentence. State v. Hildebrand, 280 N.W.2d 393, 396 (Iowa 1979). We find no such abuse of discretion in this case. The record does indicate that defendant recognizes his alcohol problem and has taken some steps to deal with it. However, the record also supports the court's reasons for imposing the prison sentence; i.e., defendant in the past sought treatment only when facing possible incarceration, and defendant had five alcohol-related arrests within the previous four years, characterized by the court as a large number of arrests within a short period of time. The court also expressed concern about the danger to other motorists if defendant were to drink and drive.

We do not believe the court abused its discretion in imposing the sentence it did. We therefore affirm.

AFFIRMED.