FILED
AUG 29 1985
CLERK SUPREME COURT

483

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed August 29, 1985
vs.	)	
SUE ANN KYLE,	)	5-308 84-1735
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Scott County - James R. Havercamp, Judge.

The defendant appeals from her sentence imposed following her guilty plea conviction for attempted second-degree burglary. **AFFIRMED.**

Charles L. Harrington, Appellate Defender, and Raymond E. Rogers, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General, and Mickey W. Greene, Assistant Attorney General, for plaintiff-appellee.

Considered by Oxberger, C.J., and Snell and Hayden, JJ.

PER CURIAM

The defendant entered a plea of guilty to a charge of attempted burglary in the second degree. A plea agreement, accepted by the court, provided that the State would recommend incarceration but would dismiss other pending charges. The defendant was sentenced to incarceration for up to five years. The trial court made no specific statement of reasons before imposing the sentence. However, the court made the following references during the sentencing hearing:

> THE COURT: When was the last time you were down? Within the last year?
>
> THE DEFENDANT: Yeah.
>
> * * *
>
> THE COURT: Mr. Kelley, for your information as well, you know the new reception center for all prisoners is Oakdale, and they can — would be in an excellent position to determine whether Miss Kyle needs substance abuse treatment and have the facility right there so it will probably get some attention this time around.
>
> * * *
>
> THE COURT: I can order your evaluation. As to what treatment is appropriate, I simply don't know. They will have to make a report.

Furthermore, in the written sentencing order the court stated, "That institution is directed to provide a substance abuse evaluation to the defendant to make a determination as to what is the proper placement subsequent to the transfer to Oakdale."

The defendant appeals from the five-year indeterminate sentence following her guilty plea to attempted second-degree burglary in violation of sections 713.2 and 713.6 of the Iowa Code. She asserts that the trial court erred and abused its discretion by not stating on the record the court's reasons for selecting the particular sentence.

Iowa Code section 902.9(4) (1983) provides for a term of imprisonment not to exceed five years for a class "D" felony such as that in issue here. Where the sentence imposed is within the statutory maximum, we will only interfere if an abuse of discretion is shown. State v. Luedtke, 279 N.W.2d 7, 8 (Iowa 1979). However, "for this standard to operate, it is essential for the trial court to state the reasons for selecting a particular disposition. Without such a record, there would be nothing from which we could discern any abuse of sentencing discretion." Id.

This view is now embodied in Iowa R. Crim. P. 22(3)(d) which provides that "the court shall state on the record its reason for selecting the particular sentence." (emphasis added) This rule is mandatory. Luedtke, 279 N.W.2d at 8.

The colloquy between the court, defense counsel, and Kyle adequately demonstrates the court's reasons for the sentence imposed. The discussion regarding the terms of the plea bargain, Kyle's need for drug treatment, and her prior record sufficiently fulfills the statutory mandate.

AFFIRMED.