FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed November 29, 1982
vs.	)	100
JAMES E. DAWSON,	)	2-362 / 68213
Defendant-Appellant.	)	

Appeal from Page District Court - J. C. Irvin, Judge.

Defendant appeals the sentence imposed on his guilty-plea conviction of third-degree criminal mischief in violation of Iowa Code § 716.5. AFFIRMED.

Richard G. Davidson, Clarinda, for defendant-appellant.

Thomas J Miller, Attorney General of Iowa, and Joseph P. Weeg, Assistant Attorney General, for plaintiff-appellee.

Considered by Oxberger, C.J., and Donielson, Snell, and Johnson, JJ.

PER CURIAM

Defendant appeals the sentence imposed on his guilty-plea conviction of third-degree criminal mischief in violation of Iowa Code § 716.5, claiming that the trial court abused its discretion in sentencing him to two years incarceration. We affirm.

If an imposed sentence is within the statutory maximum, as this sentence is, we will not set it aside unless it is shown that the trial court abused its discretion. State v. Hildebrand, 280 N.W.2d 393, 396 (Iowa 1979). We find no such abuse here. Defendant argues that the court did not consider a number of mitigating factors when sentence was imposed, but the record shows the opposite is true. The court discussed all the factors and circumstances which were present in this case and decided that incarceration was the preferable sentence with a recommendation that defendant then be transferred to the mental health facility at Mt. Pleasant or Clarinda. This sentence was imposed "in an effort to strike an even bounds between protecting society and attempting rehabilitation of the Defendant." We cannot say that the trial court erred in this conclusion.

AFFIRMED.