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IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Appellee,	)	Filed May 31, 1978
vs.	)	
RICHARD VERNON LATON,	)	<u>519</u>
Appellant.	)	60992

Appeal from Benton District Court - John L. Hyland, Judge.

Defendant claims the trial court erred in allowing the State to correct the file number on the county attorney's information and subsequent pleadings to conform to the number assigned to this charge by the Clerk of District Court. - Affirmed.

Morris L. Eckhart, of Milroy and Eckhart, Vinton, for Appellant.

Richard C. Turner, Attorney General of Iowa, and Larry D. Schlue, Benton County Attorney, Keystone, for Appellee.

Submitted to Allbee, C.J., and Donielson, Snell, Oxberger and Carter, JJ.

PER CURIAM

Defendant Richard Laton appeals the ruling of the trial court sustaining the State's pre-trial motion to correct a file-number listing on the county attorney's information and subsequent pleadings filed on an OMVUI charge. We affirm.

Originally Laton was charged with an OMVUI violation and with resisting arrest. The Clerk of Benton County District Court assigned number CR403 to the OMVUI preliminary information and number CR404 to the resisting arrest preliminary information in the appearance docket book. The county attorney's information subsequently filed on the OMVUI violation inadvertently listed the number CR404 on this charge. Ultimately no county attorney's information was filed on the resisting arrest charge and it (CR404) was dismissed. Prior to trial upon discovery of the error in numbering on the OMVUI charge in the county attorney's filings, motion to correct the number was filed. Laton resisted claiming it was a denial of his constitutional right to a fair trial to reinstate a criminal charge previously dismissed.

The file number of a lawsuit is the number assigned by the Clerk of Court in the appearance docket book, § 606.3, The Code. Such number "...shall not be changed during the further progress thereof." The motion of the county attorney to dismiss CR404 dismissed the case filed under that number in the appearance docket book, i.e. the resisting arrest charge. The trial court's action allowing the county attorney to conform the numbers listed on the OMVUI charge to the appearance docket number was proper.

AFFIRMED.