FILED
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CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Appellee,	)	Filed February 22, 1979
vs.	)	
ERNEST KEELING,	)	31 / 62042
Appellant.	)	

Appeal from the Scott District Court - Margaret S. Briles and A. L. Keck, Judges.

Defendant appeals from conviction of robbery upon plea of guilty. Affirmed.

Alfredo G. Parrish of Des Moines for appellant.

Thomas J. Miller, Attorney General, and Kermit L. Dunahoo, Assistant Attorney General, for appellees.

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

PER CURIAM

Defendant appeals from a conviction and sentence upon his plea of guilty to the offense of robbery, a violation of § 711.3, The Code, 1977. The crime occurred in 1977 and although the guilty plea proceedings took place in 1978, the record on appeal contains no motion under § 801.5(2), Supplement to the Code 1977, to have the provisions of the new code apply.

The State contends that defendant should be precluded from pursuing this appeal for failure to file a motion in arrest of judgment. We agree. Chapter 788, The Code, 1977, and State v. Reaves, 254 N.W.2d 488 (Iowa 1977), are controlling and lay down the requirement that defendant must file a motion in arrest of judgment within 90 days after judgment. Defendant in this appeal has made no such motion and is therefore precluded from challenging the adequacy of his guilty plea proceedings. State v. Reaves, supra, at 493.

Defendant's claim that the trial court committed reversible error by ambiguously advising defendant that he must file a motion in arrest of judgment is without merit. The sentencing judge advised defendant of his right to appeal and stated that to challenge the adequacy of his guilty plea defendant "must first file a motion so that the adequacy of the plea proceedings may be reviewed by this District Court." In so advising the defendant, the trial court judge was going beyond the requirements of Rule 15.1, Iowa Supreme Court Rules 1977.

Even if defendant had filed the required motion in arrest of judgment in the trial court, we would still find no basis for reversal in the record on this appeal. Defendant's principal complaint is that although he was advised of the substantive elements of the crime, he was not advised as to the meaning of "aiding and abetting." Defendant asserts this is fatal because he was guilty, if at all, only as an aider and abettor. Upon a complete review of the record, we must reject defendant's contention. Defendant's statements at the guilty plea proceeding establish that he was a co-principal in every respect except possibly taking possession of the money from the victim. This was done by his confederate. Under these circumstances, failing to specifically advise defendant of the meaning of "aiding and abetting" does not suggest that he lacked understanding of the charge against him. The extent to which a trial court must pursue questioning of the defendant to ascertain whether he is aware of the nature of the charge to which he is

pleading guilty varies with the circumstances of each case. Michels v. Brewer, 211 N.W.2d 293, 296 (Iowa 1973). In the present case, the record as a whole demonstrates such awareness. It also shows a factual basis for the charge to which the plea was entered.

AFFIRMED.