FILED
JAN 27 1988
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,)

Plaintiff-Appellee,) Filed January 27, 1988

vs.) 228

JULIE ANN HARRIS,) 8-19 / 87-631

Defendant-Appellant.)

Appeal from the Iowa District Court for Polk County (No. OM 19466), Harry Perkins, Judge.

The defendant appeals from her conviction, following a jury trial, for the crime of OWI. **AFFIRMED.**

Charles L. Harrington, Appellate Defender, and Michael J. Laughlin, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General; Julie Ann Halligan, Assistant Attorney General; and George Karnas, Assistant Polk County Attorney, for plaintiff-appellee.

Considered by Oxberger, C.J., and Donielson and Habhab, JJ. Schlegel, J., takes no part.

PER CURIAM 229

The defendant appeals from her conviction, following a jury trial, for the crime of operating a motor vehicle while under the influence of alcohol. We affirm.

At trial an officer testified that he saw the defendant's car run a stop light, stopped the car, asked the defendant if she had been drinking, and received an affirmative answer. In this appeal, the defendant contends the district court erred by admitting the officer's testimony about her acknowledgment that she had been drinking. The defendant argues that this testimony should have been excluded because it was not included in the minutes of testimony.

Our scope of review is for the correction of errors at law. Iowa R. App. P. 4. Findings of fact are binding upon us if supported by substantial evidence. Iowa R. App. P. 14(f)(1).

Iowa Rule of Criminal Procedure 5(3) provides:

> The prosecuting attorney shall, at the time of filing such information, also file the minutes of evidence of the witnesses which shall consist of a notice in writing stating the name, place of residence and occupation of each witness upon whose expected testimony the information is based, and a full and fair statement of the witness' expected testimony.

The minutes of testimony "need not detail each circumstance of the testimony, but they must be sufficient—fully and fairly—to alert defendant generally to the source and nature of the evidence against him." State v. Walker, 281 N.W.2d 612, 614 (Iowa 1979). The purpose of the minutes of testimony is to put defendant on notice to do further discovery. State v. Lord, 341 N.W.2d 741, 743 (Iowa 1983).

The minutes of testimony as they pertain to the officer's testimony recite:

> that on the 17th day of September, 1986, he came in contact with the defendant, Julie Ann Harris, who was operating a motor vehicle in Polk County, Iowa; that the defendant was under the influence of an alcoholic beverage, a narcotic, hypnotic or other drug, or any

> combination of such substance; that he will testify to these facts and other matters pertaining to the guilt of the defendant.

At trial, the officer testified he asked defendant if she had been drinking, and she replied she had. Defendant claims surprise and prejudice by this testimony, alleging it exceeded the scope of the minutes of testimony.

We reject defendant's contention. The minutes of testimony reflect the general subject of testimony was that of defendant's operation of a motor vehicle while under the influence of alcohol. We affirm the conviction.

AFFIRMED.