



IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	337
Plaintiff-Appellee,	)	Filed November 26, 1985
vs.	)	
STEVEN DALE BRADLEY,	)	<u>5-502</u>
Defendant-Appellant.	)	84-1557

Appeal from the Iowa District Court for Black Hawk County - L. D. Lybbert,
Judge.

Defendant appeals from his conviction of second-degree robbery in violation
of Iowa Code section 711.3 (1983). He asserts that he was denied his Iowa Rule
of Criminal Procedure 27(2)(b) right to a speedy trial. **AFFIRMED.**

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

Thomas J. Miller, Attorney General of Iowa, and Pamela S. Greenman,
Assistant Attorney General; James C. Bauch, Black Hawk County Attorney,
and Scott Lemke, Assistant County Attorney; for plaintiff-appellee.

Heard by Donielson, P.J., Hayden, and Sackett, JJ.

PER CURIAM

Defendant, Steven Dale Bradley, was charged with first-degree robbery by information filed May 14, 1984. D.J. Mason was appointed as his counsel, and trial was scheduled for July 17. (Defendant was apparently unable to post bond, and he remained incarcerated until trial.) Defendant then retained private counsel, James Whalen, and on July 11, Mason withdrew. Whalen applied for a continuance, and on July 13, trial was continued to August 7. On July 30, Whalen asked to withdraw because defendant had not paid a retainer. The court allowed Whalen to withdraw. Defendant refused to accept the reappointment of Mason, and on August 1, Wallace Parrish was appointed as defendant's counsel. Parrish did not ultimately represent defendant; the record does not reflect the reason why.

On August 3, Brett Long was appointed as defendant's counsel. On August 6, the court on its own motion continued trial from August 7 to August 14; the court stated that new counsel had just been appointed and would require additional time to prepare for trial. The pretrial conference was held on August 10; Long moved for a continuance beyond the August 14 trial date, asserting that he needed more time to investigate and interview witnesses. The court denied Long's motion, stating that while defendant had consented to a continuance, he "declined to waive his right to a speedy trial."

The trial was commenced on the 92nd day after the trial information was filed.

We agree with the trial court in ruling on defendant's motion to dismiss on his claim that he had been denied his right to a speedy trial under federal constitution and Iowa Rule of Criminal Procedure 27(2)(G), in that some of the delay is attributable to the defendant and that there was good cause for the delay. There is substantial evidence to support this finding.

This appeal is controlled by State v. Peterson, 288 N.W.2d 332, 335 (Iowa 1980), and State v. Bond, 340 N.W.2d 276, 279 (Iowa 1983).

AFFIRMED.