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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed June 29, 1988
vs.	)	269
LEVERNE PAGE,	)	8-226 / 87-1157
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Woodbury County (42503), Edwin C. Mitchell and Phillip S. Dandos, Judges.

Defendant's appeal follows his conviction in a jury trial for delivery of cocaine. **AFFIRMED.**

Charles Harrington, Chief Appellate Defender, and B. John Burns, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General of Iowa, and Julie Ann Halligan, Assistant Attorney General, for plaintiff-appellee.

Considered by Donielson, P.J., and Schlegel and Hayden, JJ.

DONIELSON, P.J.

The defendant's appeal follows his conviction in a jury trial for delivery of cocaine. We affirm.

The defendant received a sentence of ten years imprisonment after a jury found him guilty of delivering cocaine to an undercover agent of the Department of Criminal Investigation on October 3, 1985. On appeal, the defendant contends that the trial court erred in overruling his motion to dismiss on speedy trial grounds. He was charged by trial information on December 18, 1986, which triggered the running of the 90-day speedy trial provision of Iowa Rule of Criminal Procedure 27(2)(b), and filed his motion 152 days later, on May 18, 1987, when he had still not been tried. For much of that time the defendant was living in Minneapolis. He urges that he was not aware of any criminal proceedings against him and that his Minneapolis address was public record and known to the county attorney office's own child support recovery unit. He argues that there was not "good cause" for delaying his trial beyond the prescribed 90 days.

The State responds that the trial court acted within its discretion by excluding from the 90-day period the time when the defendant was living out of state and unable to be located despite reasonable efforts to find him.

Our scope of review is for the correction of errors at law. Iowa R. App. P. 4. We will affirm the trial court if there is substantial evidence in the record to support the trial court's decision. State v. Reynolds, 250 N.W.2d 434, 437 (Iowa 1977). The defendant must demonstrate an abuse of discretion in finding the existence of good cause for the delay. Id.

After a review of the record, we find there was substantial evidence to support the trial court's finding of good cause. After the trial information was filed on December 18, 1986, law enforcement authorities attempted on two occasions to serve a warrant on defendant but were unable to locate him. A

warrant card was left at the Iowa address with no reply received. The various utility departments were checked to determine if defendant had service through them. The defendant's warrant was issued into the National Crime Index computer, which ultimately aided in locating defendant's whereabouts on April 24, 1987, in Minnesota, where he had lived since November 1, 1985.

On December 18, 1986, the 90-day speedy trial period commenced running for purposes of Iowa Rule of Criminal Procedure 27(2)(b). At defendant's arraignment on May 7, 1987, trial was set for July 21, 1987. The court properly excluded the time from December 18,1986 (date of filing of trial information) to April 24, 1987 (date defendant's whereabouts became known to authorities). Because the State demonstrated good cause for the delay, the defendant had until July 24, 1987, to be tried.

Accordingly, we affirm the judgment of the trial court and affirm the conviction of defendant.

AFFIRMED.