FILED
MAY 31 1983
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,)
Plaintiff-Appellee,) Filed May 31, 1983
vs.)
JAMES LEONARD FOSTER,) 3-69/67764
Defendant-Appellant.)

Appeal from Polk District Court - Rodney J. Ryan, Judge.

Defendant appeals his conviction of third-degree sexual abuse in violation of Iowa Code sections 709.1 and 709.4. AFFIRMED.

Charles L. Harrington, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General, and Joseph P. Weeg, Assistant Attorney General, for plaintiff-appellee.

Heard by Oxberger, C.J., and Donielson, Snell, and Schlegel, JJ. Hayden, J. takes no part.

PER CURIAM

Defendant's claim that he was denied his right to speedy indictment under Iowa Rule of Criminal Procedure 27(2)(a) is without merit. Even though defendant was arrested on a related charge on December 5, 1980, and thereafter was investigated regarding the instant offense, defendant was not "arrested" for the instant offense, within the meaning of Iowa Code sections 804.5 and 804.14, until April 14, 1981, when he was taken into custody pursuant to a preliminary complaint and arrest warrant filed on that date. See State v. Boelman, 330 N.W.2d 794 (Iowa 1983); State v. Eichorn, 325 N.W.2d 95, 96-97 (Iowa 1982); State v. Combs, 316 N.W.2d 880, 882 (Iowa 1982); State v. Sunclades, 305 N.W.2d 491, 493-94 (Iowa 1981); State v. Burton, 231 N.W.2d 577 (Iowa 1975).

There is also no merit to defendant's claim that trial court erred by allowing the physician who examined the victim to testify regarding the results of hospital laboratory tests of specimens taken from the victim. The doctor's testimony establishes that the test results were admissible over defendant's hearsay, foundation and chain of custody objections under the factors set out in State v. Davis, 269 N.W.2d 434, 440-441 (Iowa 1978).

Finally, trial court did not abuse its discretion by allowing the examining physician to testify about the significance of the laboratory test results. Although this was the first time this doctor treated a sexual abuse victim, his

education and training show that he was qualified to give opinion testimony on the specific questions propounded. See State v. Peterson, 219 N.W.2d 665, 673 (Iowa 1974); Ganrud v. Smith, 206 N.W.2d 311, 314-15 (Iowa 1973).

AFFIRMED.