

IN THE COURT OF APPEALS OF IOWA

No. 16-1558
Filed April 19, 2017

STATE OF IOWA,
Plaintiff-Appellee,

vs.

ISIAC JOSEPH BROWN,
Defendant-Appellant.

Appeal from the Iowa District Court for Woodbury County, Steven J. Andreasen, Judge.

A defendant appeals his conviction for eluding in the second degree.

AFFIRMED.

Rees Conrad Douglas, Sioux City, for appellant.

Thomas J. Miller, Attorney General, and Kelli A. Huser, Assistant Attorney General, for appellee.

Considered by Mullins, P.J., and Bower and McDonald, JJ.

MCDONALD, Judge.

Isiac Brown appeals his conviction for eluding in the second degree, in violation of Iowa Code section 321.279(2) (2015). The Code defines eluding as follows:

The driver of a motor vehicle commits an aggravated misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle that is driven by a uniformed peace officer after being given a visual and audible signal as provided in this section and in doing so exceeds the speed limit by twenty-five miles per hour or more.

Iowa Code § 321.279(2). The defendant contends there was insufficient evidence to establish he exceeded the speed limit by twenty-five miles per hour or more.

The defendant's challenge is without merit. One of the pursuing officers testified the defendant was driving in excess of sixty miles per hour on streets where the posted speed limit was twenty-five miles per hour or thirty miles per hour. The pursuing officer's opinion was based on the speed of the officer's pursuit vehicle and pacing between the officer's vehicle and the defendant's vehicle. When the evidence is viewed in the light most favorable to the verdict, there is substantial evidence in support of the defendant's conviction. See *State v. Bedwell*, 417 N.W.2d 66, 70 (Iowa 1987) (holding evidence sufficient to support eluding conviction where the officer testified the defendant was driving "in excess of sixty miles per hour and I was just keeping pace with [the defendant]"). We affirm the defendant's conviction without further opinion. See Iowa Ct. R. 21.26(1)(a), (b), (d), and (e).

AFFIRMED.