FILED
MAY 23 1989
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	475
vs.	)	
DOUGLAS CARL RUPP II,	)	9-49 87-1544
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Polk County (No. 35372), Thomas Mott, Judge.

Defendant appeals conviction, following a jury trial, of child endangerment. **AFFIRMED.**

William L. Wegman, State Public Defender, and B. John Burns, Assistant Public Defender, for defendant-appellant.

Thomas J. Miller, Attorney General; Christie J. Scase, Assistant Attorney General; and Odell Gene McGhee II and Fred James, Assistant County Attorneys, for plaintiff-appellee.

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

DONIELSON, P.J.

Defendant, Douglas Rupp II, appeals from his conviction, following a jury trial, of child endangerment. Defendant asserts on appeal that the district court abused its discretion in admitting prejudicial hearsay evidence despite defendant's timely objection. We find defendant's motion was untimely and therefore affirm.

The facts relevant to this appeal are undisputed. Acting on a tip from defendant's wife, Jennifer, the Iowa Department of Human Services, accompanied by two Altoona police officers, went to the home of Douglas and Jennifer Rupp and examined their eight-month-old daughter. They observed that she had a blackened right eye, an abrasion on her nose, scratches on her jaw line, and a bruise on her left jaw line from her earlobe about halfway down her jaw. Defendant informed the investigators that she had been hurt the night before when her brother threw a toy in her crib. He also admitted having struck her within the previous week. The investigators removed the two children from the home, and a pediatrician, Dr. Anne Zoucha, examined the daughter the following day.

The State was unable to locate Jennifer at the time of trial. When defendant denied having caused his daughter's injuries, the State questioned Dr. Zoucha as a rebuttal witness. Dr. Zoucha testified she examined the child and spoke with her mother. The following exchange occurred at trial:

> Q. What did the mother tell you the injuries were? A. The mother told me that the child had some bruises on her face that were incurred when she was struck by her father.
>
> MR. SPORER: Objection, Your Honor. It is hearsay. It has repeatedly been ruled inadmissible. Motion for a mistrial.
>
> THE COURT: The objection is overruled as untimely.
>
> Q. What else did the mother tell you? A. The mother told me that in the previous month she had seen the child's father, Mr. Rupp, struck the child four or five different locations with his fist. She also told me that she had observed Mr. Rupp stick his fingers in the child's mouth causing her to gag and turn cyanotic, which means blue, and also that she had seen Mr. Rupp push on the child's stomach.

Defendant asserts the trial court erred in overruling his objection and admitting Dr. Zoucha's testimony. Our review of this matter is on error. Iowa R. App. P. 4.

In order to properly preserve error in the trial court as to the introduction of evidence, objections must be timely, State v. Thongvanh, 398 N.W.2d 182, 187 (Iowa App. 1986), and raised at the earliest time the error becomes apparent. State v. Washington, 356 N.W.2d 192, 194 (Iowa 1984). It has long been the rule in Iowa that:

> When an objection is made after an answer to a question is in the record, in order for the objection to be adequate, a motion to strike must be made, application must be made to have the objection precede the answer, or an excuse offered for the delay in objecting to the evidence.

State v. Steltzer, 288 N.W.2d 557, 558 (Iowa 1980), citing State v. Reese, 259 N.W.2d 771, 775 (Iowa 1977). See also State v. Brotherton, 384 N.W.2d 375, 379 (Iowa 1986); State v. Hinkle, 229 N.W.2d 744, 748 (Iowa 1975).

Defendant's objection to Dr. Zoucha's testimony came after the answer. No motion to strike was made; no application was made to have the objection precede the answer; and no excuse was offered for the delay in objecting to the evidence. Therefore, defendant's objection was inadequate to preserve error in this case.

AFFIRMED.