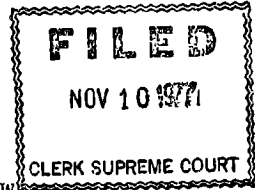


258



IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Appellee,	)	Filed November 10, 1977
vs.	)	
ROBERT J. HUBER,	)	<u>323</u>
Appellant.	)	60309

Appeal from Muscatine District Court - R. K. Stohr, Judge.

Defendant appeals his conviction of operating a motor vehicle while his drivers license was revoked, in violation of § 321.218, The Code. AFFIRMED.

David Scieszinski, of Wilton, counsel for appellant.

Richard C. Turner, Attorney General of Iowa, Lona Hansen, Assistant Attorney General, and David W. Newell, Muscatine County Attorney, counsel for appellee.

Submitted to Allbee, C. J., Donielson, Snell, Oxberger and Carter, JJ.

DONIELSON, J.

Defendant-Robert J. Huber appeals his conviction of operating a motor vehicle while his drivers license was revoked, a violation of § 321.218, The Code. He assigns as error (1) the admission into evidence of a copy of an abstract of his driving record and a copy of the notice of revocation of Huber's drivers license which had been personally served on him, and (2) the refusal of the trial court to grant his motion for directed verdict.

In March of 1976, defendant was convicted of operating a motor vehicle while under the influence of alcohol (OMVUI) and was told by the court that, effective June 10, 1976, his license would be suspended indefinitely. On August 28, 1976, an Iowa state trooper came to Huber's home, took his drivers license, and personally served him with notice that his license had been revoked indefinitely by the Department of Transportation.

On September 21, 1976, Dwayne Rogers, Wilton Assistant Police Chief, spotted an automobile with only one headlight traveling east on Highway 6 in Wilton. He stopped the car and asked the driver, Huber, to produce a drivers license. Huber told Rogers that he didn't have the license with him. He also indicated that he had been convicted of OMVUI in Scott County, but the judge there had stated that he could continue to drive. Huber was subsequently charged with operating a motor vehicle while his license was revoked.

On November 17, Huber was convicted by a jury in the Associate Muscatine District Court and was sentenced to a term of five days in the county jail. He appealed this conviction to the Muscatine District Court, where he was again convicted and given the same sentence.

On appeal, Huber argues that the trial court erred in overruling his objection to the admission of a certified copy of the abstract of his driving record. He claims that the only admissible evidence of his OMVUI conviction would have been the original or a certified copy of the judgment of conviction, and that the only admissible evidence of his license revocation would have been the original notice of revocation or a certified copy thereof. However, defendant did not preserve this error at trial. There, he merely objected on the grounds that the copy of the abstract was incompetent, irrelevant and immaterial. Such a general objection is not sufficient to preserve the type of specific

objections defendant raises on appeal. *Porter v. Iowa Power and Light Co.*, 217 N.W.2d 221, 231 (Iowa 1974); *State v. Buckner*, 214 N.W.2d 164, 167-168 (Iowa 1974); *State v. Droste*, 232 N.W.2d 483, 487 (Iowa 1975). As the court stated in *Bailey v. Chicago, Burlington & Quincy Railroad Co.*, 179 N.W.2d 560, 567 (Iowa 1970):

"... the overruling of an objection on the ground evidence sought to be introduced is incompetent, irrelevant and immaterial affords no cause for reversal unless the specific particular or particulars attendant upon that objection are per se obvious." (citations omitted)

Since the trial court was not informed of the "specific particulars" raised herein which, in our view, are anything but "per se obvious," we hold that error was not preserved.

Huber also argues that it was error for the court to admit into evidence the notice of revocation of Huber's drivers license, which was personally served upon him. He asserts that this evidence constituted hearsay and was not a certified copy as required by law. The State contends that it sought to admit the notice of revocation into evidence, pursuant to § 622.94, The Code, only to demonstrate that it had been personally served upon the defendant and not to establish the fact of revocation itself. However, we need not decide that issue because the parties and the trial court apparently overlooked the fact that the notice of revocation contains a valid certification on the back which is signed by a Department of Transportation official and is therefore admissible in accordance with § 321.10, The Code.

Finally, Huber argues that the court should have granted his motion for directed verdict because the State had failed to establish that his drivers license was either suspended or revoked or that the State Department of Public Safety was even in receipt of a proper notice of Huber's OMVUI conviction. On a motion for directed verdict the evidence must be viewed in the light most favorable to the State. The trial court should submit the case to the jury and not direct a verdict if there is any evidence reasonably tending to support the charge. See *State v. Menke*, 227 N.W.2d 184, 188 (Iowa 1975); *State v. Leonard*, 243 N.W.2d 75, 79 (Iowa 1976); rule 14(f)(2), Rules of Appellate Procedure.

The copy of the abstract of Huber's driving record was admissible under § 622.43, The Code, as a certified copy of a public record. It was admissible to show the official act of the Department of Transportation in revoking defendant's license. See *State v. Sonderleiter*, 251 Iowa 106, 107-108, 99 N.W.2d 393 (1959); § 321.10, The Code. Upon a review of the record, we conclude that the trial court did not err in overruling the motion for directed verdict.

Finding no error, we affirm the district court.

AFFIRMED.