No. 97-2135. [8-707] STATE v. RUNYAN

Appeal from the Iowa District Court for Story County, Timothy J. Finn, Judge. **AFFIRMED.** Heard by Huitink, P.J., and Mahan, and Zimmer, JJ. Opinion by Zimmer, J. (14 pages $5.60)

Defendant Michael Ron Runyan appeals his conviction and sentence of first-degree murder in violation of Iowa Code sections 707.1 and 707.2 (1997). Prior to defendant's trial, an alleged accomplice, Luke Abrams, was also charged with first-degree murder. In return for his testimony against Runyan and prior to Runyan's trial, Abrams pled guilty to reduced charges of going armed with intent, a class "D" felony, and accessory after the fact, an aggravated misdemeanor. At trial, the jury was informed Abrams had pled guilty to the lesser charges in exchange for his testimony against the defendant. The court, however, refused to allow defendant's attorney to elicit testimony regarding Abrams' full understanding of the specific penalties applicable to his plea bargain. The defense wanted to use such testimony to demonstrate the magnitude of the difference in the crimes with which Abrams was originally charged and to which he had pleaded guilty. Defendant claims the trial court erred in failing to allow him to explore the full ramifications of the plea agreement and ask penalty-specific questions of Abrams. **OPINION HOLDS:** Having reviewed a range of state and federal decisions

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regarding limitation of cross-examination of an accomplice-witness's plea agreement with the prosecution, we determine this case should be reviewed for abuse of discretion and prejudicial error, rather than for constitutional error. Our review of the record reveals the jury was informed Abrams — who not a cardinal witness for the State — had struck a deal with the prosecutor. The jury was told Abrams took the deal to avoid the chance of being convicted of first-degree murder and receiving a life term in prison. The jury was told the murder charge would be reinstated if Abrams did not testify truthfully. The record also reveals that though it was not told the specific penalties Abrams agreed to plead to, the jury knew the penalties were less than life in prison. The jury clearly knew Abrams had received a "large benefit" in exchange for his testimony. Clearly, the jury had enough before it to identify any bias or motive Abrams may have had in testifying. Nevertheless, the rule of allowing liberal latitude in the cross-examination of an accomplice with respect to his motive for testifying cannot be understated. The trial court should have permitted defense counsel to inquire into the specific details of the plea agreement Abrams secured in exchange for testifying for the State. However, under our standard of review we find no reversible error as Runyan was not prejudiced by the trial court's improper limitation on cross-examination. Accordingly, defendant's conviction is affirmed.