

IN THE COURT OF APPEALS OF IOWA

FILED

JUN 25 1985

CLERK SUPREME COURT

STATE OF IOWA,

)

524

Plaintiff-Appellee,

)

Filed June 25, 1985

vs.

)

ROBERT KYE STURDY,

)

5-292
84-1305

Defendant-Appellant.

)

Appeal from the Iowa District Court for Black Hawk County - Forest E.
Eastman, Judge.

Defendant appeals from his conviction for going armed with intent under
Iowa Code section 708.8. AFFIRMED.

Charles Harrington, Chief Appellate Defender, and Raymond E. Rogers,
Assistant Appellate Defender, for defendant-appellant.

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

Heard by Donielson, P.J., Snell, and Hayden, JJ.

HAYDEN, J.

Defendant appeals from his conviction for going armed with intent under Iowa Code section 708.8. He contends the trial court erred in admitting into evidence, over his hearsay objection, a written receipt for payment for repairs to a car window allegedly damaged by defendant during the incident in question. We affirm.

Defendant was with three other men (Mark Pabst, Tim Schrein, and Danny King) at the Barley Corn Tavern in Waterloo on the night of December 8-9, 1983. At one point they left and drove together to a store. During the drive, defendant began calling King names. When the group returned to the bar, King told his cousin, Jeff Harkless, what had been said. Harkless confronted defendant, Pabst, and Schrein, and objected to the name-calling. An argument ensued, and defendant produced a knife and threatened Harkless and King. Harkless exchanged blows with Pabst and then went outside where he and King got into the car they believed they had come in. They soon realized the car was not theirs and belonged to defendant instead. After going around the block, they saw Schrein driving King's car. They agreed to switch cars with Schrein, and as they were doing so, defendant reappeared with his knife and chased them. Harkless, who was at the wheel of King's car, tried to pull the car away but could not get any traction due to icy conditions. Defendant thrust his knife at Harkless through the partially open driver's-side window. He also pulled at the window, breaking it off. Harkless received a knife cut on his left hand.

Defendant was charged with going armed with intent. During the trial, King testified that he had had the car window fixed the same day and that he had paid \$74.88 for the repairs. The State introduced, over defendant's hearsay objection, the receipt for the repair work. The jury found defendant guilty and he brought this appeal.

Defendant's sole claim on appeal is that the trial court erred in admitting the payment receipt for the broken window. We may concede along with the State that the receipt was hearsay. That, however, does not end our inquiry. Hearsay evidence is not prejudicial, and thus is not reversible error, if substantially the same evidence was introduced and placed in the record without objection. State v. Webb, 309 N.W.2d 404, 411 (Iowa 1981). In this case, King testified as to the date the window repairs were made and the total cost of those repairs; defendant made no objection to this testimony. The receipt merely repeated these facts—it contained no other relevant information. Any error in the admission of the receipt was therefore harmless.

Defendant's conviction and sentence are affirmed.

AFFIRMED.