FILED
DEC 28 1977
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,

Appellee,

v.

JOHN WAYNE BENNETT,

Appellant.

Filed December 28, 1977

313
59885

Appeal from Scott District Court - Nathan Grant, Judge.

Defendant appeals from judgment and sentence imposed upon conviction for conspiracy to commit counterfeiting and forgery. Affirmed.

Richard C. Turner, Attorney General, Edward N. Wehr, Scott County Attorney, and Gary Sissel, Assistant County Attorney, for appellee.

Eugene P. Van Driel, of Davenport, for appellant.

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

PER CURIAM

Defendant appeals from judgment and sentence imposed upon conviction for the offense of conspiracy to commit counterfeiting and forgery, contrary to § 719.1, The Code. He argues four assignments of error in his brief on appeal. We consider these issues seriatum and affirm the judgment and sentence.

I. Admissibility of State's exhibits 1-8.

A. Chain of custody. As his first assignment of error, defendant asserts that the trial court erred in admitting State's exhibits 1-8, inclusive, over his objection that an unbroken chain of custody of these exhibits had not been established. This objection has no apparent applicability to exhibit 1 which was the properly identified original of a check from which allegedly counterfeit checks, which were exhibits 2 and 3, were reproduced. Exhibit 6 was identified by a deputy sheriff and a police lieutenant as a large cardboard box found by them at the place of work of an alleged co-conspirator; at that time exhibits 2, 3, 4, and 5 were found therein. These two officers and another police officer in their trial testimony adequately accounted for the location and possession of these exhibits from the time they first observed them until the time of defendant's trial. They further testified that the exhibits were in the same condition as when first observed.

The same police lieutenant and a police sergeant also testified as to the discovery and subsequent custody prior to trial of exhibits 7 and 8 (six checks, a drivers license, and a check protector) and that these exhibits were in the same condition at the time of trial as when they first observed them. Upon our review of the record with respect to the foregoing matters we are satisfied that it is reasonably probable that no tampering or substitution occurred. See, e.g., State v. Lunsford, 204 N.W.2d 613 (Iowa 1973). The trial court did not err in overruling the objections to these exhibits based upon chain of custody.

B. Materiality. We also conclude that the foregoing exhibits were properly admitted over defendant's objection based upon lack of materiality. The exhibits were all material to the alleged conspiracy. Defendant's argument on this point seems to be that the evidence failed to sufficiently tie the exhibits to him. We believe the exhibits were admissible as evidence material to the charge and the sufficiency of the evidence was for the jury.

II. Sufficiency of corroboration of accomplice's testimony.

There was direct evidence offered against defendant on the conspiracy charge by an admitted accomplice. Defendant urges that under § 782.5, The Code, there was not sufficient corroboration of the accomplice's testimony to sustain his conviction. This contention was raised below by a motion for directed verdict of acquittal. We disagree.

The statutory requirement is met if the evidence adduced legitimately tends to connect the accused with the commission of the crime charged and thereby lends support to the credibility of the accomplice. State v. Willman, 244 N.W.2d 314 (Iowa 1976); State v. Vesey, 241 N.W.2d 888 (Iowa 1976); State v. Jochims, 241 N.W.2d 25 (Iowa 1976). A box containing a check protector, counterfeit checks, and blank drivers licenses was directly linked to defendant through the testimony of the witness Short. We believe this was sufficient corroboration to generate an issue for the jury concerning defendant's guilt. The motion for directed verdict of acquittal was properly denied by the trial court.

III. Admissibility of hearsay testimony.

Defendant also claims that the trial court erred in admitting into evidence the testimony of a police officer concerning the relationship between the defendant and Bess Ann Garvis, an individual whose name appeared on some checks found in the box. The witness testified that the subject was an aunt of the defendant over defendant's hearsay objection. From defendant's argument it is apparent he is in fact claiming the witness did not have personal knowledge of the facts to which he testified. While we are not certain that the hearsay objection adequately serves to alert the trial court to the claimed deficiency, it does not appear in any event that the testimony in question was not based upon personal knowledge of the officer -- at least to the extent that one may have personal knowledge of pedigree. See and compare Federal Rule of Evidence 803 (19). For this reason there was no error in overruling the objection.

IV. Restrictions placed upon cross-examination.

Lastly, it is urged by defendant that the trial court erred in failing to allow him to "more thoroughly" cross-examine State's witness Virgil Rogers, an alleged co-conspirator. Numerous objections to the cross-examination of this witness were sustained by the trial court. In his written argument in this court defendant identifies only two instances as being the subject of his complaint and infers there are others. We

are not disposed to review any instances not specifically discussed in appellant's brief and argument. A complaint in argument over rulings on admissibility of evidence will be disregarded when couched in general terms and not related to specific rulings. See State v. Erb, 238 Iowa 612, 28 N.W.2d 24, 25 (1947).

The first matter complained of arises from a question put to the witness as to whether he had any indication of when his own trial on the same charge would be held. A general objection to this question was sustained. The witness had previously testified as to the pendency of the charge and that it had not as yet been set for trial. Trial courts are invested with broad discretion to control the extent of cross-examination. Ordinarly this discretion will be reviewed only for abuse resulting in substantial harm to the complaining party. State v. Jackson, ___ N.W.2d ___ (Iowa, filed Nov. 23, 1977). While the trial court might well have permitted the additional question to be answered we can find no prejudice to defendant from the sustaining of the objection.

The second matter complained of is the sustaining of an objection to the question "Do they normally grant pretrial release to someone with a felony record?" We believe this ruling was correct and the question improper.

Finally, we note with respect to both of the restrictions on cross-examination which have been alluded to and to any other instances where objections to cross-examination of this witness were sustained, there was an absence of any offer of proof such as is ordinarily required to preserve error. See, e.g., State v. Menke, 227 N.W.2d 184, 191 (Iowa 1975). The Menke decision applies the requirement for offers of proof to cross-examination as well as direct examination. We have reviewed all of the issues presented whether or not specifically commented upon and find no basis for reversal.

AFFIRMED.