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IN THE COURT OF APPEALS OF IOWA

CLERK SUPREME COURT

STATE OF IOWA,

)

Appellee,

)

v.

)

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RICHARD D. HARRINGTON,

)

Appellant.

)

Appeal from the Polk District Court - Dale S. Missildine, Judge.

Defendant appeals conviction of offense of carrying a concealed weapon.
Affirmed.

Everett H. Albers, of Des Moines, for appellant.

Richard C. Turner, Attorney General, Raymond Sullins, Assistant Attorney General, and Dan Johnston, Polk County Attorney, for appellee.

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

PER CURIAM

Defendant appeals judgment and sentence imposed upon his conviction of the offense of carrying a concealed weapon in violation of § 695.2, The Code, 1977. The sole issue presented concerns the admissibility at defendant's trial of certain evidence pertaining to the cartridges contained in the weapon, which was the gravamen of the offense charged, and similar cartridges found by police in defendant's car.

Initially, we consider the State's contention that the objections made by defendant in the trial court were insufficient to preserve for appellate review the issues which he now asserts. With respect to the admissibility of the physical evidence of which defendant now complains (the cartridges found in the gun and similar cartridges found loose in the defendant's car) we agree with the State's contention. The objection made to the admissibility of these exhibits went only to the chain of custody and other foundational facts deemed to be lacking. On appeal, defendant's arguments are couched in terms of relevancy and materiality, issues to which the trial court's attention was not directed by defendant's objection. The error now asserted with respect to these exhibits was not preserved.

We conclude, however, that defendant's objections to the descriptive oral testimony of a police officer concerning the design and performance of cartridges of this type was sufficient to apprise the trial court of the issues now urged in opposition of such testimony. Said objection urged, in part, that "what type of bullet it is doesn't have any bearing on the charge before this court." We agree that this testimony was completely beyond any issue in the case. The objection should have been sustained and the trial court erred in failing to do so.

We must now consider the always difficult issue of whether the error in question was harmless, given the other evidence in the case. Only one witness testified at the trial, the arresting officer. If his testimony was believed, defendant was guilty of the offense charged. The testimony which was improperly admitted, in no way aided the State in establishing the elements of the offense charged, nor did it serve to bolster the credibility of the State's witness. The defendant's credibility was not in issue. Upon our review of the entire record, we find affirmatively that defendant's rights have not been injuriously affected, nor has he suffered a miscarriage of justice as a result of the

improper testimony. See, e.g. State v. Mattingly, 220 N.W.2d 865, 869 (Iowa 1974). Under such circumstances, the error is not prejudicial and no reversal is required. State v. Mattingly, supra, at 869. The judgment and sentence are affirmed.

AFFIRMED.