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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	Filed 37
Plaintiff-Appellee,	)	November 29, 1982
vs.	)	2-324 66575
DANNY KAYE COOPER,	)	
Defendant-Appellant.	)	

Appeal from Black Hawk District Court, L. D. Lybbert, Judge.

Defendant appeals from his conviction of first-degree robbery in violation of Iowa Code sections 711.1 and 711.2 (1979). AFFIRMED.

Charles L. Harrington, Assistant Appellate Defender, for defendant-appellant.

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

Considered en banc.

Defendant appeals from his conviction of first-degree robbery in violation of Iowa Code sections 711.1 and 711.2 (1979). At defendant's jury trial, the State sought to impeach two of defendant's alibi witnesses by showing they had made prior inconsistent statements. On appeal, defendant asserts (1) that the State did not give one witness an opportunity to admit, deny or explain the prior statement; and (2) that the prior statements of the other witnesses were on collateral and irrelevant matters. We affirm.

The defendant, Danny Kaye Cooper, was accused of attempting to rob a convenience store shortly after midnight on August 19, 1980. His principal defense at trial rested upon his assertion that he could not have been the robber because at the time of the robbery he was cooking and eating shrimp at the home of a friend, Rajean Owens, with another friend, Phyllis Spear, and his father, Dorsey Cooper. Rajean Owens and Cooper's father were called as alibi witnesses. Ms. Owens testified that Cooper had arrived at his house with his girl friend at about 10:00 p.m. on the night of the robbery and that he had cooked some shrimp at midnight and brought it upstairs to her and Dorsey Cooper.

I. The Owens Testimony.

On cross-examination, the State sought to impeach Ms. Owens with a prior inconsistent statement. The prosecutor said: "Now, one of these statements, either the statement you gave to the officer is not correct, or the statement you are making today is not correct."

Cooper objected to this on the ground that it was "improper impeachment," without being specific as to what, if anything, made it improper. See State v. Welsh, 245 N.W.2d 290, 295-96 (Iowa 1976), in which the supreme court reiterated the principle that "it is ordinarily incumbent upon the objecting party to lodge specific objections to enable trial court to determine the admissibility of the

proffered evidence." The trial court should not be "left to speculate whether the evidence is in fact subject to some infirmity that the objection does not identify." State v. Taylor, 310 N.W.2d 174, 177 (Iowa 1981), citing State v. Droste, 232 N.W.2d 483, 487 (Iowa 1975).

Because of the general nature of the objection, we believe that error has not been preserved. However, even if it has, it was not prejudical, since the witness offered an explanation for the apparent inconsistency.

II. The Cooper Testimony.

Dorsey Cooper testified on direct examination that his son, Danny, was at Ms. Owens' home the night prior to the robbery, that on that day, August 17, 1980, there had been a party at the Owens' residence, that the elder Cooper had had a fight with Ms. Owens, and that he was intoxicated on the 17th. On cross-examination the State attempted to impeach Dorsey's testimony by comparing it to a deposition in which Dorsey had made statements that were inconsistent with those that he was making on the stand. Defense counsel objected on the ground that the testimony concerned events on the night prior to the night of the robbery and constituted impeachment on a collateral matter. On appeal, the defendant contends that since this attack on Mr. Cooper's credibility did not go to a material matter, it should have been excluded. We disagree. The questions to which the defendant objects had to do with events concerning which Dorsey had testified on direct examination, in response to questions put to him by defense counsel. "Cross-examination may cover fully and fairly all matters raised on direct examination." State v. Everett, 214 N.W.2d 214, 218 (Iowa 1974). Moreover, the scope and extent of cross-examination is largely within the discretion of the trial court. Id. There was no error in allowing this cross-examination to proceed.

The court properly overruled the defendant's objections, and we find that the impeachment of Cooper's witnesses was not improper.

AFFIRMED.