FILED
MAR 22 1979
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,)
Appellee,)
vs.)
EMMETT EDWIN FURNALD,)
Appellant.)

Filed March 22, 1979

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Appeal from Mahaska District Court - L. R. Carson, Judge.

Defendant appeals conviction of arson alleging the erroneous admission of incriminatory statements. - AFFIRMED.

Alfredo G. Parrish, Des Moines, for Appellant.

Thomas J. Miller, Attorney General of Iowa and Faison Sessoms, Assistant Attorney General, for Appellee.

Heard by Oxberger, C. J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Defendant Emmett Furnald appeals conviction of arson in the third degree in violation of § 712.4, Code Supp. 1977. He raises the single issue of whether certain incriminatory statements were unconstitutionally admitted against him at trial. We affirm.

In his brief, defendant concedes that the error now urged was not preserved below. Nevertheless, he contends it is our duty to entertain this belated assignment under § 814.20, Code Supp. 1977, which replaces former Code § 793.18. We do not have the authority to treat his unexcused failure to make an otherwise mandatory record regarding the admissibility of evidence as an informality or mere defect in taking the appeal. See State v. Ware, 271 N.W.2d 485, 486 (Iowa 1978); State v. Smith, 228 N.W.2d 111, 112 (Iowa 1975). Issues not raised at trial, including constitutional questions, may not be asserted for the first time on appeal. State v. Washington, 257 N.W.2d 890, 895 (Iowa 1977), cert. denied 435 U.S. 1008 (1978). We hold defendant waived the error now alleged and affirm his conviction.

AFFIRMED.