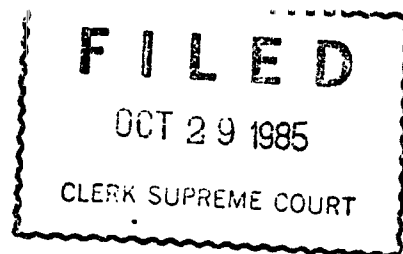


IN THE COURT OF APPEALS OF IOWA



STATE OF IOWA,

)

Plaintiff-Appellee,

)

Filed October 29, 1985

423

vs.

)

JERRY ALLEN MAY,

)

5-463
84-1796

Defendant-Appellant.

)

Appeal from the Iowa District Court for Scott County - James R.
Havercamp, Judge.

Defendant appeals from his conviction following a jury trial for theft
in the second degree. **AFFIRMED.**

Charles Harrington, Chief Appellate Defender, and B. John Burns, Assistant
Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General of Iowa, David L. Dorff, Assistant
Attorney General, and Virginia D. Barchman, Assistant Scott County Attorney,
for the plaintiff-appellee.

Considered by Snell, P.J., Schlegel, and Hayden, JJ.

HAYDEN, J.

Defendant appeals from his conviction, following a jury trial, for theft in the second degree. He contends the trial court erred in admitting hearsay evidence. We affirm.

Jerry Allen May, a service station attendant, was accused of stealing money from his employer. At his jury trial for second-degree theft, there was evidence that money disappeared from the station's safe during May's shift on the last day he reported for work. The station manager also testified that May had told third parties, but not the manager, that he planned to quit his job on the day the money disappeared. In addition, a local postmaster testified that a mail carrier had submitted a standard form showing that the defendant left town without a forwarding address on approximately the day the money disappeared.

A jury found the defendant guilty of second-degree theft, and the defendant has appealed from the resulting conviction.

May argues on appeal that the postmaster's testimony concerning defendant's departure from town and the station manager's testimony concerning defendant's plan to quit work should have been excluded as inadmissible hearsay. After reviewing the record, we conclude that there is no reversible error.

The postmaster, Dorthy Beck, was allowed to testify concerning a change of residence form. Beck testified that a standard form is prepared by mail carriers when a postal customer moves, and that she received such a form indicating defendant had left home.

Contrary to defendant's assertion, we conclude this testimony was properly admitted under the business records exception to the hearsay rule. See Iowa Rule of Evidence 803(6). The record reflects that change of address forms are prepared in the course of a regularly conducted business activity. Further-

more, the circumstances of preparation in this case would not indicate a lack of trustworthiness. In any event, it is apparent that Beck's testimony was cumulative in nature and thus would not constitute reversible error.

We also conclude that there was no reversible error with respect to the station manager's testimony. During the station manager's testimony, the following colloquy took place:

Q. Did he tell you on Friday, the 20th, that that was going to be his last day?

A. No.

Q. But it was his last day?

A. Yes. He told everybody else, but he didn't tell me.

May argues that this testimony indicates that the station manager's conclusions are based upon declarations of third parties and not first hand knowledge. May specifically refers to the statement, "[h]e told everybody else, but he didn't tell me."

We need not reach the merits of this claim. No objection was made to the statement cited by May and, thus, error was not preserved for appeal.

Finding no error, we affirm the decision of the trial court.

AFFIRMED.