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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

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STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed March 9, 1988
vs.	)	
STEVEN ALLEN EVANS,	)	8-47 87-685
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Johnson County (No. 17990), L. Vern Robinson, Judge.

The defendant appeals from his conviction, following a jury trial, for theft in the third degree. **AFFIRMED.**

Charles L. Harrington, Chief Appellate Defender, and John P. Messina, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General; Bruce Kempkes, Assistant Attorney General; and Anne Lahey, Assistant Johnson County Attorney, for plaintiff-appellee.

Considered by Oxberger, C.J., and Donielson and Schlegel, JJ.

PER CURIAM

The defendant appeals from his conviction, following a jury trial, for theft in the third degree. He contends the district court erred by admitting hearsay. We affirm.

The defendant was accused of shoplifting two car stereo units valued at $250 each from a Sears store. He was charged with second-degree theft.

At the defendant's jury trial, the fighting issue was whether the State had proved that the value of the stolen property was at least $500, an element of theft in the second degree. The defendant testified and admitted shoplifting; however, he claimed he took only car stereo speakers valued at $35 each, rather than the stereo units themselves. In an attempt to prove that entire stereo units had been stolen, the State introduced evidence that two stereo units were missing from a Sears shelf on that date in question and evidence that the store's computer records did not indicate any sales of car stereo units on that day or the preceding day.

At the close of the evidence, the court ruled the State's evidence of value was not sufficient to prove theft in the second degree; therefore, the court submitted to the jury only the lesser offense of theft in the third degree. The jury found the defendant guilty of theft in the third degree, and he has appealed from the resulting conviction.

Our scope of review is for the correction of errors at law. Iowa R. App. P. 4.

The defendant contends the district court erred by admitting testimony about whether sales of car stereo units appeared on Sears' computerized sales records on or about September 15, 1986. The defendant contends this testimony, as well as the computer printout, should have been excluded as hearsay. Defendant maintains there was no foundational showing to allow admissibility of this

evidence under the hearsay exception found in Iowa Rule of Evidence 803(7) (evidence of the absence of a record may be admitted if kept in accordance with the provisions of Iowa Rule of Evidence 803(6) relating to records of regularly-conducted activity). Defendant argues "[t]he State offered no evidence as to whether all sales are recorded by the computer, or even how sales are recorded by the computer generally."

The objections made at trial by defendant's counsel with regard to this line of testimony were as follows:

> BY MR. FOSTER: Your Honor, I would like to object to this. My understanding is this is all hearsay information. That the witness did not personally run any computer check, but would only gather information that was told to him.
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> * * *
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> BY MR. FOSTER: . . . There's been no adequate foundation for business records exception to the hearsay rule, and -- as that applies to computer records, and therefore, I object to his testifying in regard to that matter as being hearsay and move to strike his testimony.
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> * * *
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> BY MR. FOSTER: Same objection, your Honor, that they have not laid the foundation for the business records exception.

An objection that no proper foundation was laid for proffered evidence will not preserve error unless counsel states in what way the foundation is deficient. See State v. Janssen, 247 N.W.2d 260, 262 (Iowa 1976). The purpose for this requirement is to alert the court to the specific objection, as well as give opposing counsel the opportunity to remedy any defect. Id.

We have reviewed the record. With regard to defendant's objections during trial on this line of questioning, we affirm the trial court's decision in overruling the objections, adequate foundation having been laid for the admission of the evidence. We do not find that defendant's precise contentions he now raises on appeal were preserved for review.

In any event, we find any alleged error in allowing the evidence was harmless. A store salesman saw defendant pick up the units in their boxes and walk out the door. An employee watched defendant walk to his car with the boxes, as well as noticed a gap in the shelf where the car stereo units were displayed, leaving the appearance that a box or two had been taken.

We affirm the conviction.

AFFIRMED.