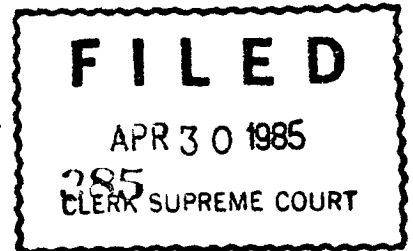


IN THE COURT OF APPEALS OF IOWA



STATE OF IOWA,

)

Plaintiff-Appellee,

)

Filed April 30, 1985

vs.

)

HARRY JOHN CASBOHM,

)

5-137
84-801

Defendant-Appellant.

)

Appeal from the Iowa District Court for Black Hawk County - Peter Van Metre, Judge.

Defendant appeals from conviction of second-degree sexual abuse.
AFFIRMED.

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

Thomas J. Miller, Attorney General, and Ann Brenden, Assistant Attorney General, for plaintiff-appellee.

Heard by Oxberger, C.J., and Donielson and Hayden, JJ.

PER CURIAM

The defendant in this action, Harry Casbohm, was convicted of sexual abuse in the second degree. Prior to trial, the presiding judge saw a copy of his criminal record which revealed several prior arrests and convictions for sexual offenses involving children. On appeal, defendant contends that the judge's knowledge of this prejudicial material denied him a fair trial.

We decline to address the merits of defendant's claim since error was not preserved. Casbohm failed to object to the trial court's reading of the "rap" sheet until a motion for new trial was filed subsequent to the verdict. A motion for a new trial is not sufficient to preserve error where proper objections were not made at trial. State v. Steltzer, 288 N.W.2d 557, 559 (Iowa 1980).

We note parenthetically that the "whole" of judging includes the ability to sort out matters which are appropriate for consideration by the court and those which are not. We place great reliance on this ability in equity cases, for instance, where evidentiary rulings are not made on many matters; evidence is generally admitted subject to objection even though it may be inappropriate under our rules of evidence. Conceivably, one could argue that criminal cases necessarily require a different standard. Nonetheless, to try a case with a waived jury before an able and experienced trial judge, make no objection, and then complain of error, as was done here, is frankly not worthy of an appellate court's time and effort.

AFFIRMED.