FILED
JAN 30 1981
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,)
Plaintiff-Appellee,) Filed January 30, 1981
vs.)
NANCY CROSS,) 0-384
Defendant-Appellant.) 63724

Appeal from Polk District Court - Harry Perkins, Judge.

Defendant appeals from conviction of second-degree burglary in violation of section 713.3, The Code. AFFIRMED.

James P. Prescott, Des Moines, for defendant-appellant.

Thomas J. Miller, Attorney General of Iowa, Julie F. Pottorff, Assistant Attorney General, and Dan Johnston, Polk County Attorney, for plaintiff-appellee.

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

PER CURIAM

Defendant appeals from conviction of second-degree burglary in violation of section 713.3, The Code. She alleges that the trial court erred in overruling her motion for a mistrial based on the contention that police officer testimony was not referred to in the minutes of testimony attached to the trial information as required by Iowa R. Crim. P. 18(2).

During the trial, Officer Flynn volunteered that defendant "made a comment that she wasn't going to take the blame by herself." After voir dire by defendant's counsel, motions to strike testimony and to grant a mistrial were made on various grounds not including the issue regarding the minutes of testimony. These motions were overruled. Another witness was examined; the noon recess was then taken. After this recess, defendant renewed her motions; this time, however, she claimed that the challenged statement was not contained in the minutes of testimony. The motions were again overruled.

We do not think that defendant has properly preserved error on this issue. "In order for there to be a proper preservation of errors committed by the trial court in the introduction of evidence at trial, objections to evidence must be timely and be raised at the earliest time the error becomes apparent." State v. Reese, 259 N.W.2d 771, 775 (Iowa 1977) (emphasis added). Here it is evident that defendant failed to raise this issue at the earliest possible time, i.e., when the challenged testimony was given. Because of this delay there was no error in refusing to strike the testimony and no basis for granting a mistrial. We affirm defendant's conviction.

AFFIRMED.