FILED
AUG - 9 1979
IOWA SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,)
Plaintiff-Appellee,) Filed August 9, 1979
vs.)
PAUL D. HUKILL,) 109
Defendant-Appellant.) 61271

Appeal from Fremont District Court - J. L. Larson, Judge.

Defendant appeals from judgment and sentence following conviction of the public offense of OMVUI (third offense). AFFIRMED.

Edwin A. Getscher of Getscher & Getscher, Hamburg, Iowa, for appellant.

Thomas J. Miller, Attorney General of Iowa, and William R. Armstrong, Assistant Attorney General, for appellee.

Submitted to Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

Defendant appeals from judgment and sentence following conviction of the felony offense of OMVUI (third offense), in violation of section 321.281, The Code, 1977. As his only ground for reversal and new trial, he contends that the trial court erred in denying his motion to strike a question asked a witness by the prosecuting attorney.

One of the witnesses for the state was a deputy sheriff who had observed defendant at the jail shortly after his arrest and described defendant's appearance, speech and demeanor at that time. This witness further testified on direct examination by the prosecuting attorney that defendant smelled of alcohol at the time he was brought to the jail. The following then transpired:

> Q. Have you been around intoxicated people before?
>
> A. Yes, sir.
>
> Q. Based on your general knowledge, your own personal knowledge and background, do you have an opinion as to the state of sobriety or intoxication of the defendant?
>
> MR. GETSCHER: May it please the Court, I'm very sorry to interrupt at this time. But there was a statement by counsel I want stricken from the record. Have you had an opportunity to see intoxicated people before. I'd like the word "before" striken as being prejudicial.
>
> THE COURT: Overruled.

It is this ruling of the trial court that defendant claims is reversible error.

Defendant argues that as a result of the use of the word "before" in the prosecutor's question, the inquiry assumed the intoxication of the defendant. Elicitation of favorable answers by means of questions which improperly assume a fact which is in controversy is improper. Weber v. Chicago R.I. & P. Ry. Co., 175 Iowa 358, 151 N.W. 852 (1915). We must, however, reject the complaint of the defendant in the present case for two reasons. First, assuming that defendant's motion to strike was timely, we must conclude that it was not sufficiently specific to preserve the claim now being advanced on appeal. A motion to strike is limited to grounds specified and all grounds not urged are waived. Harrison v. Ulicki, 193 N.W.2d 533, 537 (Iowa 1972). Second, we are unable, in any event, to conclude that the question is subject to the complaint now being lodged against it. It only attempts to establish the witness's prior experience with intoxicated persons in order to provide a foundation by which to judge the weight to be accorded his opinion as to defendant's intoxication. As such, it was not improper. See, e.g., State v. Helgerson, 247 Iowa 651, 656, 75 N.W.2d 227, 231 (1956). We find no basis for reversal and affirm the judgment and sentence.

AFFIRMED.