FILED
AUG 31 1978
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

Filed August 31, 1978

STATE OF IOWA,

Appellee,

v.

L. T. JONES,

Appellant.

577
60768

Appeal from Black Hawk District Court - Carroll E. Engelkes, Judge.

Defendant appeals following conviction and sentencing on two counts of robbery with aggravation, § 711.2, The Code, 1977. Affirmed.

Alfredo G. Parrish, Des Moines, for appellant.

Richard C. Turner, Attorney General, Raymond W. Sullins, Assistant Attorney General, and David H. Correll, Black Hawk County Attorney, for appellee.

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

PER CURIAM

Defendant appeals following conviction and sentencing on two counts of robbery with aggravation, § 711.2, The Code, 1977. We affirm.

Defendant's first contention relates to use by the State, for demonstrative purposes, of a small caliber automatic pistol, which several witnesses identified as being similar to the one employed in the robberies. The purpose of the demonstration was to reveal how the gun actually used had been positioned during the commission of the crime. The State never contended that this was the actual gun involved.

During the course of the trial, the court advised counsel for both the State and the defendant that the pistol would not be admitted into evidence and would be used for demonstrative purposes only. Following this statement by the trial court, counsel for defendant stated:

> MR. PARRISH: And I guess it was misunderstanding, Your Honor, I apologize to the Court. We did approach the bench after the gun came up and I asked the Court and Mr. Zanville at that point it was only going to be used for demonstrative purposes, if that's all I have no problem with it.
>
> THE COURT: I guess that's how we have treated it and will continue to treat it in this case.

No subsequent objection to the use of the exhibit for demonstrative purposes was lodged by defendant in the trial court. On this state of the record we hold that the issue is not preserved for consideration on appeal. See, e.g., State v. Shimon, 182 N.W.2d 113, 115 (Iowa 1970).

Next, defendant urges that the jury should have been told that if the articles taken from the victim were illegally possessed controlled substances or proceeds from the illegal sale of controlled substances said articles could not be "the subject of larceny," an essential element of the crime charged. Defendant cites no authority for this contention. In State v. Sego, 161 Iowa 71, 73, 140 N.W. 802 (1913) it was held that illegally possessed liquor could be the subject of larceny and that the taking of same from the person of the possessor could constitute robbery. We find no merit in defendant's argument.

We have considered all issues presented and find no basis for reversal.

AFFIRMED.