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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Appellee,	)	Filed November 22, 1978
vs.	)	
STEVE HEPPERLE a/k/a	)	
STEVEN HEPPERLE,	)	<u>685</u>
	)	61385
Appellant.	)	

Appeal from Linn District Court - John L. Hyland, Judge.

Defendant appeals conviction for malicious injury to a building, in violation of § 714.1, The Code 1977, alleging it was error for him to be seen by the jury in full body restraints. - Affirmed.

John C. Platt, Cedar Rapids, for Appellant.

Richard C. Turner, Attorney General of Iowa, Raymond W. Sullins, Assistant Attorney General and Larry D. Schlue, Benton County Attorney, for Appellee.

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

PER CURIAM

Defendant Steven Hepperle appeals conviction for violation of § 714.1, The Code 1977, asserting trial court erred in overruling motion for mistrial on the ground members of the jury observed him prior to trial in handcuffs, leg irons and waist chain. We affirm.

On the day of trial, a number of jurors had congregated in the hallway outside the courtroom in the Benton County Courthouse. Some of them observed Hepperle, who was in restraints, being escorted by three armed deputy sheriffs. The restraints were removed outside of the jury's presence and before Hepperle entered the courtroom.

Hepperle then moved for a mistrial alleging that his exposure in full restraints to the jury prejudiced his right to a fair trial. Trial court polled the jury en banc and determined that 16 jurors had in fact seen Hepperle in restraints outside of the courtroom. The court admonished the jurors to put aside this observation as it had nothing to do with Hepperle's guilt or innocence. None of the jurors indicated an inability or unwillingness to accept the court's warning.

Given the brief amount of time the jurors observed Hepperle in restraints and the trial court's carefully conducted voir dire, we find no prejudicial error occurred in overruling the motion for mistrial. See State v. Evans, 169 N.W.2d 200, 210 (Iowa 1969).

AFFIRMED.