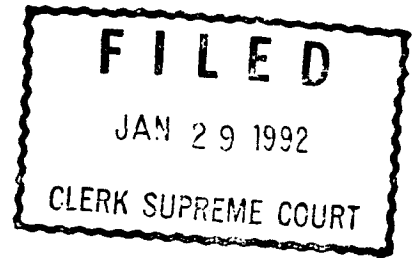


IN THE COURT OF APPEALS OF IOWA

No. 1-596 / 90-1494



STATE OF IOWA,

Appellee,

vs.

819

OVERTON PACE, JR.,

Appellant.

Appeal from the Iowa District Court for Cedar County,
David J. Sohr, Judge.

The defendant appeals from the judgment and sentence upon his conviction for criminal mischief in the second degree in violation of Iowa Code sections 716.1 and 716.4 (1989). **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Elizabeth Quinlan and Andi S. Lipman, Assistant State Appellate Defender, for appellant.

Bonnie J. Campbell, Attorney General; Thomas S. Tauber, Assistant Attorney General; Lee W. Beine, County Attorney; and Sterling L. Benz, Assistant County Attorney, for appellee.

Heard by Donielson, P.J., and Hayden and Habhab, JJ.

PER CURIAM

The defendant, Overton Pace, Jr., appeals from the judgment and sentence upon his conviction for criminal mischief in the second degree in violation of Iowa Code sections 716.1 and 716.4 (1989). We affirm.

The State charged the defendant with second-degree criminal mischief alleging in substance that he and a companion had kicked and damaged a stainless steel partition in a men's rest room at a rest stop along Interstate 80. One of the elements of this crime is that the cost of replacing the damaged property must fall between \$500 and \$5,000. The State produced the testimony of an Iowa Department of Transportation employee, Richard Achenbach, who was responsible for overseeing repairs to the rest area.

We agree with the defendant, and the State also concurs, that the trial court properly sustained the objection to the State's first question concerning valuation for the answer which would have followed was clearly hearsay. However, after laying further foundation as to the qualifications of the witness to give testimony as to valuation, we conclude the answer to the State's next series of questions concerning valuation was admissible for it was based upon the witness's personal knowledge. The hearsay objection which followed the questions was properly overruled by the trial court.

From our review of the appellate brief, we determine this is the only error assigned. Finding as we have, we affirm the trial court.

AFFIRMED.