FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed April 8, 1983
vs.	)	3-05
		67961
ROBERT WICHER,	)	
Defendant-Appellant.	)	

Appeal from Linn District Court, L. Vern Robinson, Judge.

Defendant appeals his conviction of delivery of a controlled substance in violation of Iowa Code section 204.401(1). AFFIRMED.

Douglas F. Staska, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General, and John P. Messina, Assistant Attorney General, for plaintiff-appellee.

Considered by Oxberger, C.J., and Donielson, Snell, and Schlegel, JJ. Johnson, J., takes no part.

OXBERGER, C.J.

Defendant appeals his conviction of delivery of a controlled substance in violation of Iowa Code section 204.401(1). We affirm.

Defendant objects to admission of a statement one Mark Howe made to undercover police officer Joice on the telephone: "The only people that he wanted to come over to his residence was Shelly Clay and the defendant." The defendant argues that this statement was hearsay because it was offered to prove he was involved in the drug transaction.

The state claims that the statement was offered to prove the actions of the people in the house. Officer Joice's contact for the drug purchase was Harry Clay, but Harry Clay remained in the house while the defendant and Shelly Clay went to Mark Howe's house.

The court in State v. Webb, 309 N.W.2d 404, 411 (Iowa 1981), said:

> "Although we believe it is a close question, we need not determine whether the statements at issue constituted inadmissible hearsay, because, even if so, admission thereof was harmless error. . . . [T]he erroneous admission of hearsay evidence was not prejudicial when a multiplicity of substantially the same evidence appeared in the record without objection."

In this case there was other substantial evidence establishing that the defendant was involved in the drug transaction. The defendant was present during the negotiation of the transaction, he assured Officer Joice as to the quality of the LSD, he knew he was accompanying Shelly Clay to Mark Howe's residence to pick up the LSD, he was in possession of the LSD when he returned to the Clay house, he handed the LSD to Shelly Clay for transfer to Joice. We find that the statement, if hearsay, was harmless in light of the totality of the evidence of defendant's involvement in the transaction.

AFFIRMED.