FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

JOHN WALTER FRAKES, and PAMELA FRAKES,	)	
Plaintiffs-Appellants,	)	127
vs.	)	
DENNIS STUVE and LEROY J. PUTNEY, SR.,	)	9-184 88-1398
Defendants-Appellees.	)	

Appeal from the Iowa District Court for Polk County (CL 68-40291), Rodney J. Ryan, Judge.

Plaintiffs appeal from the district court's denial of their motion for a new trial. **AFFIRMED.**

Emil Trott, Jr., and Larry D. Krpan, of Barrett & Trott, Des Moines, for plaintiffs-appellants.

Michael Buxton Devine and Donald Hohnbaum of Christianson, Hohnbaum & George, Des Moines, for defendant-appellee Dennis Stuve.

Douglas A. Haag and Harry Perkins III, of Patterson, Lorentzen, Duffield, Timmons, Irish, Becker & Ordway, Des Moines, for defendant-appellee Leroy J. Putney, Sr.

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

PER CURIAM

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Appellants claim they should be granted a new trial upon an adverse jury verdict. They use the affidavits of two jurors in support of their argument.

The court had given the instructions to the jury in this case. While the jury was en route from the courtroom to the jury room, one of them stated "it was an easy case and she had made up her mind." Another juror stated "my mind is made up." These statements were made before the jurors entered the jury room.

The two juror affidavits also cover some of their comments made while in the jury room during deliberations.

Iowa Rule of Evidence 606(b) provides:

> Upon inquiry into the validity of a verdict or indictment, a juror may not testify as to any matter or statement occurring during the course of the jury's deliberations or the effect of anything upon his or any other jurors' mind or emotions as influencing him to assent to or dissent from the verdict or indictment or concerning his mental processes in connection therewith, except that a juror may testify on the question whether extraneous prejudicial information was improperly brought to the jury's attention or whether any outside influence was improperly brought to bear upon a juror. Nor may his affidavit or evidence of any statement by him concerning a matter about which he would be precluded from testifying be received for these purposes. [Emphasis ours.]

In 1983, Iowa adopted language identical to Federal Rule of Evidence 606(b). Since the adoption of Iowa Rule of Evidence 606(b), there has been some confusion as to its proper interpretation. Ryan v. Arneson, 422 N.W.2d 491,

495 (Iowa 1988), governs our decision here and we quote as follows:

> Based on Iowa's adoption of language identical to Federal Rule of Evidence 606(b), and the policy reasons for insulating the manner in which the jury reaches its verdict, we now adopt the Federal Rule which protects each of the components of deliberation including juror arguments, statements, discussions, mental and emotional reactions, votes and any other feature of the process occurring in the jury room. The district court was correct to disregard affidavits of jurors concerning a quotient verdict. This result is compatible with federal cases. See McDonald v. Pless, 238 U.S. 264, 267, 35 S. Ct. 783, 784, 59 L.Ed. 1300, 1302 (1915); Scogin v. Century Fitness, Inc., 780 F.2d 1316, 1319-20 (8th Cir. 1985) (affidavit of juror alleging quotient verdict was not competent under Federal Rule of Evidence 606(b)). Id.

Here, plaintiffs' allegation they were denied a fair trial before an impartial jury, free from extraneous prejudicial information and free from any outside influence, is without merit.

We hold the trial court was correct in not considering the two juror's affidavits and in denying plaintiff's motion for a new trial.

AFFIRMED.