FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed August 27, 1986
vs.	)	
MONTE LEE JOHNSTON,	)	6-236 85-1211
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Polk County (27997) - Richard Strickler, Judge.

Defendant appeals from a jury verdict finding him guilty of second-degree burglary in violation of Iowa Code sections 713.1 and 713.5. **AFFIRMED.**

Charles Harrington, Chief Appellate Defender, and Michael J. Laughlin, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General of Iowa, and Lona Hansen, Assistant Attorney General, for plaintiff-appellee.

Considered by Donielson, P.J., Schlegel, and Hayden, JJ.

HAYDEN, J.

On February 9, 1985, between approximately 12:20 p.m. and 1:55 p.m., a burglary occurred at the home of Mr. and Mrs. Jack Griffith at 3117 South Union in Des Moines. The burglar gained entry to the residence by kicking in the back door. Various items including jewelry, stereo and camera equipment, and a portable television set were stolen. None of the items were ever recovered. On April 12, 1985, the defendant, Monte Lee Johnston, was arrested and charged with second-degree burglary of the Griffith home.

At trial, Mr. Griffith testified that upon entering his house after the burglary, he noticed one of the glass panels in the back door was taped with masking tape. He also noticed cut marks on the glass pane. An investigating officer testified that after observing the cut marks in the glass, he removed the tape strips and placed them in a sack. A fingerprint identification technician testified that latent fingerprints obtained from the adhesive side of one of the strips of masking tape matched known prints of the defendant. No other latent fingerprints were found in the house. The defendant presented no evidence.

At the close of the State's case the defendant moved for a directed verdict. His motion was denied. The jury returned a verdict finding the defendant guilty as charged. Defendant's motion for a new trial was overruled and the defendant was sentenced to serve a term of imprisonment not to exceed ten years.

Defendant contends that there was insufficient evidence in the record from which a rationale jury could conclude beyond a reasonable doubt that defendant was guilty of burglary in the second degree. More specifically, defendant asserts that fingerprints alone are not sufficient to support his conviction.

When considering a challenge to the sufficiency of the evidence we view the evidence in a light most favorable to the State and we consider all evidence and the inferences that may be drawn from it. State v. Craney, 347 N.W.2d 668, 680 (Iowa 1984), cert. denied, 469 U.S. ___, 105 S.C. 255, 83 L. Ed. 2d 192 (1984); State v. Robinson, 288 N.W.2d 337, 340 (Iowa 1980). Evidence is sufficient to sustain the verdict where there is substantial evidence from which a rational jury could determine defendant guilty beyond a reasonable doubt. Robinson, 288 N.W.2d at 330; State v. Mitchell, 371 N.W.2d 432 (Iowa Ct. App. 1985).

All of the evidence presented against defendant was circumstantial. Circumstantial evidence on each and every element to a conviction is sufficient to justify a finding of guilt if it satisfies the jury beyond a reasonable doubt. State v. Harman, 238 N.W.2d 139, 148 (Iowa 1976) (quoting State v. Jelloma, 206 N.W.2d 679, 681 (Iowa 1963)). For the purpose of proving guilt beyond a reasonable doubt, direct and circumstantial evidence are equally probative. Iowa R. App. P. 14(f)(16); State v. Moses, 320 N.W.2d 581, 586 (Iowa 1982); State v. O'Connell, 275 N.W.2d 197, 205 (Iowa 1979).

As to whether evidence of fingerprints, standing alone, is sufficient to sustain a conviction depends on the fact situation from case to case. State v. Sellers, 215 N.W.2d 231, 232 (Iowa 1974). Here defendant's fingerprints were discovered on the adhesive side of a strip of masking tape found on Mr. Griffith's back door on the day of the crime. The evidence from the record clearly supports the inference that defendant used this tape in an aborted attempt to cut the glass on the victim's door. After abandoning this method to gain entry it is clear the perpetrator then kicked the door in. At trial an identification technician, Mr. Kilgore, testified that the latent print found on the tape and

defendant's left index fingerprint shared at least twelve common characteristics. Because of the large number of similarities between the latent print and defendant's known print, Mr. Kilgore concluded that the fingerprints on the masking tape were unquestionably defendants.

We have carefully reviewed all evidence presented in the record. We conclude that the evidence is substantial enough to justify the jury finding defendant guilty beyond a reasonable doubt.

AFFIRMED.