FILED
SEP 24 1985
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

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| **STATE OF IOWA,** | ) | |
| Plaintiff-Appellee, | ) | Filed September 24, 1985 402 |
| vs. | ) | |
| **ANTHONY WAYNE HUFF,** | ) | 5-424<br>84-1818 |
| Defendant-Appellant. | ) | |

Appeal from the Iowa District Court for Polk County - Dick Strickler, Judge.

Defendant appeals from his conviction of second-degree theft in violation of Iowa Code sections 714.1(4) and 714.2(2). **AFFIRMED.**

Charles Harrington, Chief Appellate Defender, and John P. Messina, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General of Iowa, and Valencia Voyd McCown, Assistant Attorney General, for plaintiff-appellee.

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

**HAYDEN, J.**

Defendant appeals from his conviction of second-degree theft in violation of Iowa Code sections 714.1(4) and 714.2(2). He asserts that the trial court erred in permitting evidence of the purchase price of stolen property. We affirm.

The defendant in this action, Anthony Huff, was charged by trial information with second-degree theft. The information alleged that Huff exercised control over stolen property consisting of two rings belonging to Waldon Brotherson and three rings belonging to Edna Hernandez.

At trial, a pawn broker testified that on April 5, 1984, Huff sold five rings for a total of $21.98. Hernandez identified three of the five rings as ones taken during the burglary of her home.

Another pawn broker, Barbara Sims, testified that on April 15, 1984, Huff sold her two rings for $150. Sims testified that she could probably resell the two rings for half of what a jeweler or department store could charge. She estimated that the resale value of the rings would be between $550 and $600. However, in a pretrial statement, Sims indicated that the most she could sell the rings for was $475.

Mr. Brotherton identified the rings sold to Sims as ones taken during the burglary of his home. Over defendant's objection, Brotherton testified that one ring was purchased for approximately $450 and the other was purchased for $350 to $375. He further testified that one of his rings is currently worth $600 and the other is worth approximately $775.

The jury found the defendant guilty as charged. Huff has appealed from this determination.

Huff's sole claim on appeal is that the trial court erred in allowing Mr. Brotherton to testify concerning the purchase price of the rings. It is claimed that this evidence was irrelevant and prejudicial.

At the outset, we note that "value testimony is liberally received, with its weight to be determined by the jury." State v. Savage, 288 N.W.2d 502, 504 (Iowa 1980). The owner of personalty is presumed to have the capacity to testify concerning its value. Id.

For purposes of determining degrees of theft, the relevant criterion is the "normal market of exchange value within the community at the time [the property] is stolen." Iowa Code § 714.3 (1983) (emphasis added). However, exceptions have been made to this rule when the stolen goods have no general market value. In such cases, evidence has been admitted concerning actual value, State v. Savage, 288 N.W.2d at 506, as well as original cost. State v. Lewis, 144 Iowa 483, 485, 123 N.W. 168, 169 (1909).

In the case before this court, the State argues that the stolen rings have no general market value. Thus, it is claimed that Mr. Brotherton's testimony concerning original cost was relevant. Our review of the record leads us to a contrary conclusion. There is little, if any, evidence which would indicate that the jewlery has an extremely limited or no market value; nor is the property so unique or restricted in use that we would judicially note this fact on appeal. Compare State v. Savage, 288 N.W.2d at 507.

It is apparent that there is some doubt as to the relevancy of testimony concerning original cost. However, we do not believe this would constitute reversible error. Overwhelming evidence indicates that the value of the rings exceeded $500. Thus, it cannot be said that Huff was denied a fair trial or suffered undue prejudice from the erroneous admission of evidence. The error, if any, was harmless.

Finding no reversible error, we affirm.

**AFFIRMED.**