FILED
FEB 23 1989
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	401
vs.	)	
GARY DANIEL LEFFLER,	)	9-12 / 88-298
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Lee County (No. CR 1723(S)1087), R. David Fahey, Judge.

Defendant appeals from his conviction, following a jury trial, for burglary in the second degree. **AFFIRMED.**

Raymond P. Rogers, Acting Chief Appellate Defender, and Shari Barron and James R. Huff, Assistant Appellate Defenders, for defendant-appellant.

Thomas J. Miller, Attorney General; Ann E. Brenden, Assistant Attorney General; and Michael P. Short, Lee County Attorney, for plaintiff-appellee.

Heard by Oxberger, C.J., and Donielson and Habhab, JJ.

PER CURIAM 402

The sole issue on appeal is whether the record contains sufficient evidence corroborating the testimony of an accomplice to uphold the conviction of defendant-appellant Gary Daniel Leffler as required by Iowa Rule of Criminal Procedure 20(3). We hold there is and affirm the trial court.

The defendant was convicted of second-degree burglary for stealing beer, liquor, gum, and food from the Keokuk Elks Lodge in the early morning hours of September 21, 1987. At trial, the majority of evidence linking defendant to this burglary was the testimony of an accomplice, Terry Boudewyn. At the close of the State's evidence, defendant moved for a directed verdict contending Boudewyn's testimony was not sufficiently corroborated. The trial court denied the motion. The jury returned a guilty verdict.

The substance of Mr. Boudewyn's testimony was as follows: On the morning in question, Boudewyn, Shayne Kelly, and the defendant broke a window of the lodge and stole beer, liquor, and food. They hid these items in a nearby cemetery and walked into town. Once in town, they met Warren Dohrn and Julie Young, who gave them a ride back to the cemetery. They loaded stolen goods into the car and took them to Boudewyn's girlfriend's (Lorigan's) house. Young and Dohrn gave the three men a ride to Boudewyn's

father's home. His father drove them back to the Elks Club where they stole more beer, which was stored at the girlfriend's house also.

Iowa Rule of Criminal Procedure 20(3) states:

> 3. Corroboration of accomplice or person solicited. A conviction cannot be had upon the testimony of an accomplice or a solicited person, unless corroborated by other evidence which shall tend to connect the defendant with the commission of the offense; and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof.

The corroboration requirement serves the purposes of connecting the accused with the crime and bolstering the credibility of an accomplice whose motivation to testify is suspect due to a natural self-interest in focusing the blame on others. State v. Berney, 378 N.W.2d 915, 918 (Iowa 1985).

Boudewyn's testimony is corroborated by two witnesses, Tamara Lorigan and John Richenberger, who placed defendant with Kelly and Boudewyn prior to the burglary. Julie Young and Warren Dohrn corroborated defendant's presence with Kelly and Boudewyn when she was flagged down and drove the three men to the cemetery. Ms. Young testified the three men retrieved beer, whiskey, and slim jims from bushes, put the items in the car, and she dropped them off at Lorigan's home.

Boudewyn's testimony was corroborated by physical evidence presented at trial as well. His description of how the lodge was broken into, what was stolen, the path

taken, and where the stolen goods were stored was corroborated by police testimony describing the location of the break-in, footprints nearby, inventory of stolen items, and discovery of the same items at Lorigan's house.

Defendant contends the corroborating evidence is not sufficient as it does not place him at the lodge and stealing the goods. However, the corroboration need not be strong or confirm every material fact of the accomplice's testimony. State v. Powell, 400 N.W.2d 562, 654 (Iowa 1987); State v. Doss, 355 N.W.2d 874, 879 (Iowa 1984). There may be a combination of circumstances, singularly unpersuasive but in totality sufficient, to entitle a jury to conclude the accomplice testimony has been corroborated. State v. Wellman, 244 N.W.2d 314, 315 (Iowa 1976). The evidence may be direct or circumstantial and must only tend to connect the defendant with the commission of the crime. State v. Brown, 397 N.W.2d 689, 694-95 (Iowa 1976); Doss, 355 N.W.2d at 879.

Under these standards, it is clear Boudewyn's testimony was sufficiently corroborated to comply with Iowa Rule of Criminal Procedure 20(3). A substantial part of the defendant's argument goes to the weight of the testimony and the credibility of the witnesses, which must be determined by the jury, not the court. State v. Graham, 291 N.W.2d 345, 350 (Iowa 1980).

The trial court's denial of defendant's motion for directed verdict based on this rule and the jury's verdict of defendant's guilt is hereby affirmed.

AFFIRMED.