FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

586

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed April 26, 1983
vs.	)	3-32 / 67244
MICHAEL LEE WILLIE,	)	
Defendant-Appellant.	)	

Appeal from Fayette District Court, Frank D. Elwood, Judge.

Defendant appeals from his conviction for eluding or attempting to elude a pursuing law enforcement vehicle in violation of Iowa Code section 321.279. AFFIRMED.

Francis C. Hoyt, Jr. Appellate Defender, for defendant-appellant.

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

Considered by Oxberger, C.J., and Donielson, Snell and Schlegel, JJ.

OXBERGER, C.J.

Defendant appeals from his conviction for eluding or attempting to elude a pursuing law enforcement vehicle in violation of Iowa Code section 321.279. We affirm.

The facts in this case are somewhat sketchy. At about 2:00 a.m., December 20, 1980, police officer James Johnson became involved in a high-speed chase when he clocked a vehicle traveling through the city of Maynard at 90 m.p.h. The chase ended when the vehicle being pursued stopped in a farm field and the driver crawled through a hole in the fence and fled on foot. The vehicle was impounded.

Just over two hours later, defendant called the police and reported the theft of the car that had been impounded. When defendant and the owner of the car arrived at the police station to fill out a police report, Officer Johnson identified defendant as the driver of the car, and he was arrested.

At trial, Officer Johnson testified that he had seen the driver of the car for about ten seconds in the headlights of the two cars, that he observed the driver's clothing and facial features, and that he could identify defendant as the driver of the car. Further testimony indicated that when defendant arrived at the police station, he had fresh scratches on the bridge of his nose (which could have been received crawling through a tear in a fence). Testimony also was offered that defendant lived approximately a mile and a half from where the car was abandoned. No other evidence connected defendant to the car.

On appeal, defendant argues that the evidence was insufficient to identify him as the driver of the vehicle. We disagree.

The general rule regarding sufficiency of evidence determinations was set out in State v. Robinson, 288 N.W.2d 337 (Iowa 1980). In making such a

determination, the reviewing court looks at all of the evidence in the light most favorable to the state, drawing all reasonable inferences in favor of the state, and asks whether any reasonable factfinder could find guilt beyond a reasonable doubt. "This inquiry does not require a court to 'ask itself whether it believes that the evidence at the trial established guilt beyond a reasonable doubt.'" Robinson, at 339 (quoting Jackson v. Virginia, 443 U.S. 307, 309 (1979)). The issue is whether any reasonable factfinder could have found guilt beyond a reasonable doubt.

Officer Johnson positively identified defendant as the driver of the car. While the circumstances (ten seconds' observation of a fleeing man at night) may call into question the weight to be accorded his testimony, it is well settled that a witness's credibility and the weight to be accorded his testimony are matters left to the jury's discretion. State v. Ragona, 232 Iowa 700, 704 (1942).

Officer Johnson's identification was also supported by circumstantial evidence: Defendant had scratches on his face which could have been received crawling through a tear in the fence. His clothing was identical to that worn by the fleeing driver. The time between the end of the chase and defendant's call to the police would be approximately the amount of time it would take to walk from where the car was abandoned to defendant's home. "For purposes of proving guilt beyond a reasonable doubt, direct and circumstantial evidence are equally probative." State v. O'Connell, 275 N.W.2d 197, 205 (Iowa 1979).

Upon review of all of the evidence, we find that a reasonable factfinder could have found, beyond a reasonable doubt, that defendant was guilty of eluding or attempting to elude a pursuing law enforcement vehicle. Defendant's conviction is therefore affirmed.

AFFIRMED.