FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,)

Plaintiff-Appellee,) Filed April 30, 1985

vs.)

JAMES LEE MORRISON,) 5-84
84-424

Defendant-Appellant.)

Appeal from the Iowa District Court for Story County - M. D. Seiser, Judge.

Defendant appeals from his conviction of second-degree theft in violation of Iowa Code section 714.1(4). AFFIRMED.

Charles L. Harrington, Appellate Defender, and Fern S. Shupeck, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General, and Mickey W. Greene, Assistant Attorney General, for plaintiff-appellee.

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

DONIELSON, P.J.

Defendant appeals from his conviction of second-degree theft in violation of Iowa Code section 714.1(4). He asserts that the State did not present sufficient evidence of the value of the stolen property to support his conviction. We affirm.

A conviction of theft in the second degree requires that the value of the stolen property exceeds five hundred dollars but does not exceed five thousand dollars. Iowa Code § 714.2 (1983). According to the State's evidence, the value of the stolen property was between $634 and $659. Evidence presented by the defense reflects that the value was between $382 and $400.

Defendant now argues that the State's evidence concerning value is insufficient. He alleges that State witnesses only testified as to the actual value of the stolen property and gave no evidence as to the market value.

In considering the defendant's claim, we view the evidence in a light most favorable to the State, including all legitimate inferences and presumptions which may fairly and reasonably be deduced from the record. A verdict of guilty is binding unless there is no substantial evidence in the record to support it. Substantial evidence is that which could convince a rational trier of fact that the defendant is guilty of the crime charged beyond a reasonable doubt. State v. Nunn, 356 N.W.2d 601, 603 (Iowa Ct. App. 1984). In light of these principles, we conclude that sufficient evidence exists to support a conviction.

We recognize that for purposes of determining the value of items allegedly taken, actual value may be used only upon a showing of the absence of a market value for the items. State v. Savage, 288 N.W.2d 502, 504 (Iowa 1980); State v. Hardesty, 153 N.W.2d 464, 470 (Iowa 1967). However, contrary to defendant's assertions, we believe State witnesses were testifying as to the market value of the property.

The term "market value" has been broadly defined to include both market transactions and occasional sales. Maytag Co. v. Partridge, 210 N.W.2d 584, 587

(Iowa 1973). Our courts have held that the owner of a chattel has a right to testify as to its value, even though he is not an expert on the subject. Savage, 288 N.W.2d at 504. When a witness testifies as to the value of chattels in common use, it will be inferred that he means their market value unless a different basis is fixed by the witness or it is apparent that the witness bases his value on a different foundation. 31 Am. Jur. 2d Expert and Opinion Evidence § 136, at 682 (1967).

In the case before this court the State established that the radio and stereo equipment found in the defendant's possession was stolen from vehicles belonging to three State witnesses. All witnesses testified as to the value they would expect to receive for the stolen property, based upon their familiarity with its quality and condition. Such testimony is competent evidence of market value which the jury is at liberty to accept or reject. We think this is simply another case of conflicting evidence. The mere fact that the defendant offered evidence of lower values is not grounds for reversal.

AFFIRMED.