FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

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STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed September 25, 1986
vs.	)	6-120 85-1062
MARK ALDRICH,	)	
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Polk County (No. 27514), Richard A. Strickler, Judge.

Defendant appeals his judgment and sentence following conviction by a jury for three counts of delivery of a controlled substance. **AFFIRMED.**

Linda Del Gallo, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General; Rebecca L. Claypool, Assistant Attorney General; Frederick W. Gay, Assistant Polk County Attorney, for plaintiff-appellee.

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

OXBERGER, C.J.

The defendant appeals his judgment and sentence following conviction by a jury for three counts of delivery of a controlled substance. He maintains that the trial court erred in refusing to submit an instruction on entrapment. We affirm.

Because this action is a proceeding at law, our scope of review is on assigned error only. Iowa R. App. P. 4; State v. Brookhiser, 375 N.W.2d 287, 288 (Iowa Ct App. 1985). A trial court is not required to instruct the jury on any issue which has no evidentiary support in the record. State v. Lamar, 210 N.W.2d 600, 606 (Iowa 1973).

When a defendant bases his case upon the defense of entrapment, he bears the burden of generating a fact question on the defense. State v. Cooper, 248 N W.2d 908, 810 (Iowa 1976). In order for police conduct to constitute entrapment, that conduct must involve the use of persuasion or other means likely to cause normally law-abiding persons to commit the offense; conduct which simply provides an opportunity to commit an offense, by contrast, is not entrapment. State v. Mullen, 216 N.W.2d 375, 382 (Iowa 1974). The court in Mullen further stated that, "Depending on an evaluation of the facts in each case, prohibited governmental activity might include extreme pleas of desperate illness, appeals based primarily on sympathy, pity or close personal friendship, and offers of inordinate sums of money." Id. at 383.

The record discloses that the defendant expressed an eager willingness to obtain drugs for the undercover officers. There is no evidence that the police or their confidential informant made threats against the defendant, nor is there any evidence that the defendant was offered any form of inordinate compensation for obtaining the drugs. Although the defendant asserts that he was the target of harassing phone calls and that his car was vandalized during the period of the investigation, there is no evidence indicating that the officers or their agents participated in this activity.

We conclude the record does not contain evidence sufficient to create a jury issue on the defense of entrapment Accordingly, we find no error in the trial court's refusal to submit the instruction

AFFIRMED.