FILED
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CLERK SUPREME COURT

47

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Appellee,	)	Filed October 19, 1978
vs.	)	
DEBRA LEE BROOKSHIRE,	)	578 60807
Appellant.	)	

Appeal from Webster District Court - M. D. Seiser, Judge.

Defendant appeals breaking and entering conviction claiming error in giving of aiding and abetting instruction. - Affirmed.

C. Joseph Coleman, Jr., of Mitchell, Murray, Blackburn, Coleman & Enke, P.C., Fort Dodge, for Appellant.

Richard C. Turner, Attorney General of Iowa, Ray Sullins, Assistant Attorney General, and William J. Thatcher, Webster County Attorney, for Appellee.

Heard by Donielson, Acting C.J., and Snell, Oxberger and Carter, JJ.

PER CURIAM

Defendant Debra Lee Brookshire appeals her conviction of the crime of breaking and entering in violation of section 708.8, The Code. We affirm.

Debra contends that there was insufficient evidence to justify submitting the aiding and abetting instruction. The State claims Debra failed to preserve the error in the court below. The trial judge, in ruling on Debra's objections to the instructions, said:

> The court feels that the aiding and abetting is a matter interjected by the defendant's defense, and that is properly an issue in this case. . .

We find that the trial court ruling is a ruling on the issue of sufficiency of the evidence. The purpose of the rule requiring preservation of error is to provide the trial court with the necessary knowledge to rule on the issue asserted now in the appellate court. That purpose was met here.

We find the evidence sufficient to justify submission of the aiding and abetting instruction. We are required to look at the State's evidence in the light most favorable to upholding the jury verdict. State v. Fox, 159 N.W.2d 492 (Iowa 1968).

The eyewitness could not identify who entered the store. He saw two people at the crime scene apparently conversing and one of them breaking and entering the building. There is no dispute Debra was the person found inside the building. It was a jury question whether she was the person who did the actual breaking and entering or aided by remaining in the car as a lookout during the breaking and then entered the buliding to aid in the larceny of goods.

We do not decide the issue whether the defense of duress or coercion per se requires an aiding and abetting instruction. There is sufficient evidence here without the defendant's testimony of duress to justify the aiding and abetting instruction. We are required to uphold the ruling below if the trial court was correct in his conclusion even though we disagree with his premise. State v. Davis, 259 N.W.2d 843, 845 (Iowa 1977).

AFFIRMED