FILED
MAR 29 1978
CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,

Appellee,

v.

TERRY LEE RHOADES,

Appellant.

Filed March 29, 1978

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59441

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

Defendant appeals his conviction for going armed with intent, in violation of § 695.1, The Code, complaining of the admission in evidence of a rifle, statements given in response to interrogation and certain physical evidence. Affirmed.

William L. Springer, of Marshalltown, for appellant.

Richard C. Turner, Attorney General, Lona Hansen, Assistant Attorney General, and Carl D. Baker, Marshall County Attorney, for appellee.

Submitted to Allbee, C.J., and Donielson, Snell, Oxberger and Carter, JJ.

PER CURIAM

Terry Lee Rhoades appeals his conviction for a violation of § 695.1, The Code, which forbids going armed with intent. He first asserts that trial court erred in admitting exhibit 10, a rifle other than the one used in the commission of the offense. While trial court would have acted properly in excluding the exhibit, its admission was within sound judicial discretion. The exhibit's admission simply completed the picture of circumstances surrounding the event. See State v. Schultz, 231 N.W.2d 585, 588 (Iowa 1975); State v. Kittelson, 164 N.W.2d 157, 167-68 (Iowa 1969); but see State v. Fuhrmann, 257 N.W.2d 619, 623 (Iowa 1977).

Defendant also complains of trial court's failure to suppress "all statements, admissions, confessions and physical evidence secured from the Defendant. . . ." He contends he demanded an attorney at the beginning of his interrogation, but was not given an opportunity to obtain counsel. This failure would infect any subsequent statements taken from him, and any physical evidence gained through his statements.

In our review of this question we make an independent evaluation of the totality of the circumstances. State v. Fryer, 243 N.W.2d 1, 7 (Iowa 1976); cf. State v. Cullison, 227 N.W.2d 121, 127 (Iowa 1975). Our evaluation of the record compels us to reach a conclusion consistent with trial court's. Defendant's version of the events of the evening of November 29, 1975 is internally inconsistent. It is contradicted by the testimony of deputies Owens and Perin. The testimony of the deputies, combined with that of defendant himself, is sufficient to meet the State's burden of showing that defendant was treated properly while under interrogation. See, e.g., State v. Fryer, supra at 7; State v. Cullison, supra at 127.

Because defendant's complaint is based upon a factual contention which has been rejected by trial court, and by this court, we need not consider his legal arguments, which rely entirely upon his view of the facts.

AFFIRMED.