FILED
JUN 28 1979
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,

Plaintiff - Appellee,

vs.

JOE LEE HARGRAVE,

Defendant - Appellant.

Filed June 28, 1979

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61841

Appeal from Polk District Court - A. M. Critelli, Judge.

Defendant appeals from his conviction of rape in violation of section 698.1, The Code 1977, and burglary with aggravation in violation of sections 708.1 and 708.2, The Code, alleging insufficiency of the evidence to support the charge. - Affirmed.

R. Earl Barrett, Des Moines, for Defendant 0 Appellant.

Thomas J. Miller, Attorney General of Iowa, Kermit L. Dunahoo, Assistant Attorney General, and Dan L. Johnston, Polk County Attorney, for Plaintiff - Appellee.

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

PER CURIAM

Defendant appeals from his conviction of rape in violation of section 698.1, The Code 1977, and burglary with aggravation in violation of sections 708.1 and 708.2, The Code. Defendant contends that the evidence was insufficient to support the verdict. We affirm.

The State maintains that the defendant failed to properly preserve error on this issue. Defendant moved for a directed verdict at the close of the State's presentation of evidence but failed to renew this motion at the close of all evidence. It is true that where defendant makes a motion for a directed verdict at the close of the State's evidence but fails to renew that motion at the close of all evidence, the motion is deemed waived and error cannot be posited on it. State v. Beyer, 258 N.W.2d 353, 356 (Iowa 1977); State v. Evans, 248 N.W.2d 521, 522 (Iowa 1976); State v. Dahlstrom, 224 N.W.2d 443, 446 (Iowa 1974). But here defendant does not predicate error upon the trial court's denial of his motion for a directed verdict. Nonetheless, defendant's failure to make any posttrial motions challenging the sufficiency of the evidence to sustain the verdict may result in the loss of his right to raise this issue on appeal. State v. Cowman, 212 N.W.2d 420, 422 (Iowa 1973). Issues not properly raised in the trial court or by posttrial motion will not be considered for the first time on appeal. State v. Jump, 269 N.W.2d 417, 430 (Iowa 1978); State v. Rand, 268 N.W.2d 641, 650 (Iowa 1978).

We note that despite defendant's failure to preserve error on this issue, our review of the record in a light most favorable to the State shows that substantial evidence exists to support the verdict. State v. Jones, 271 N.W.2d 761, 763 (Iowa 1978).

AFFIRMED.