FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

410

STATE OF IOWA,

Plaintiff-Appellee,

vs.

WILLIAM IRWIN DAVIS,

Defendant-Appellant.

Filed February 23, 1983

2-386
67923

Appeal from Warren District Court, Thomas S. Bown, Judge.

Defendant appeals his convictions of first-degree burglary in violation of Iowa Code sections 713.1 and 713.2, possession of a firearm by a felon in violation of Iowa Code section 724.26, and possession of burglar's tools in violation of Iowa Code section 713.4. AFFIRMED.

Francis Hoyt, Appellate Defender, and Patrick R. Grady, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General, and Mary Jane Blink, Assistant Attorney General, for plaintiff-appellee.

Considered en banc.

OXBERGER, C.J.

Defendant appeals his convictions of first-degree burglary in violation of Iowa Code sections 713.1 and 713.2, possession of a firearm by a felon in violation of Iowa Code section 724.26, and possession of burglar's tools in violation of Iowa Code section 713.4. At trial defendant asserted that guns found inside a building where he and a co-defendant were allegedly perpetrating a burglary were planted by law officers to justify a deputy sheriff's shooting and wounding of the co-defendant. On appeal defendant asserts that trial court abused its discretion by: (1) restricting defendant's cross-examination of the deputy regarding consequences of a law officer firing at an unarmed person; and (2) admitting into evidence, over defendant's lack of foundation objection, a pair of gloves found in the back of a squad car.

The State asserts that defendant failed to preserve error on the cross-examination issue by failing to make an offer of proof to attempt to establish materiality of the desired cross-examination. We affirm.

I. Restriction on Defendant's Cross-Examination

During cross-examination of a witness, the county attorney objected as follows: "Your Honor, I am going to object to this. That assumes facts not in the record; and secondly, it is really irrelevant and immaterial to this case." The objection was sustained.

Davis's attorney made no offer of proof and did not attempt to establish the materiality of the desired cross-examination. It is the defendant's obligation to provide the court with a record that affirmatively discloses the error upon which he relies. State v. Ryder, 350 N.W.2d 786, 788 (Iowa 1982); State v. Mark, 286 N.W.2d 396, 402 (Iowa 1979). Davis was under an affirmative duty to demonstrate the purpose for which the evidence was being presented before the exclusion can

be held to be erroneous. Miller v. Scholte, 191 N.W.2d 773, 778 (Iowa 1971). The trial court's ruling excluding such evidence will not be reviewed if the party claiming error has failed to offer appropriate reasons. Amsden v. Grinnell Mutual Reinsurance Co, 203 N.W.2d 252, 256 (Iowa 1972).

Since no error has been preserved for review on this issue, we turn to the next issue.

II. Demonstrative Evidence

Davis objects to admission of the pair of gloves that had been recovered from the back seat of the patrol car following his detention therein. He argues that there was insufficient foundation connecting the gloves to him to warrant their admission into evidence.

The trial court has broad discretion in admitting demonstrative evidence. State v. Fuhrmann, 257 N.W.2d 619, 623 (Iowa 1977); State v. Galvin, 181 N.W.2d 147, 151 (Iowa 1970). Nothing more than a prima facie showing of identity and connection with the crime is necessary. Id. Where there is a question of fact concerning the identification of the items that are proffered in evidence, or with regard to their connection with the defendant or the crime, the evidence may be admitted, and it is for the factfinder to determine whether the requisite connection has been made, the question being one of weight to be accorded to the evidence rather than its admissibility. State v. Gates, 246 Iowa 344, 347, 67 N.W.2d 579, 583 (1954).

We find that the requisite prima facie showing was made, since the gloves were recovered from the back seat of the patrol car following the detention of Mr. Davis, and since the gloves were not in the patrol car prior to his detention therein.

Finding no error, we affirm.

AFFIRMED.