



IN THE COURT OF APPEALS OF IOWA

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STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed August 27, 1986
MATTHEW TENSLEY,	)	6-148
Defendant-Appellant.	)	85-0876

Appeal from the Iowa District Court for Scott County (No. 118721) -
Margaret S. Briles, Judge.

Defendant appeals his conviction of second degree burglary in violation
of Iowa Code section 713.1 and 713.5 (1985). **AFFIRMED.**

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

Thomas Miller, Attorney General; Lona Hansen, Assistant Attorney General,
and R. Douglas Wells, Assistant County Attorney for Scott County, for
plaintiff-appellee.

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

SCHLEGEL, J.

Defendant appeals his conviction of second degree burglary in violation of Iowa Code sections 713.1 and 713.5 (1985). Affirmed.

Defendant was charged with second degree burglary and was found guilty by a jury on April 23, 1985. His motions for new trial and in arrest of judgment were overruled by the trial court and he was sentenced to a term not to exceed ten years. Defendant appeals, alleging the evidence was insufficient to support the verdict.

The evidence presented at trial shows that a rational trier of fact could conclude that defendant was guilty beyond a reasonable doubt. We view the evidence in the light most favorable to the State, and we consider all the evidence and such inferences as may reasonably be drawn from it. State v. Craney, 347 N.W.2d 668, 680 (Iowa 1984); State v. Schrier, 300 N.W.2d 305, 306 (Iowa 1981); State v. Robinson, 288 N.W.2d 337, 340 (Iowa 1980). If there is substantial support for the verdict in the record, the jury verdict is conclusive. State v. Robinson, at 338.

The record shows that an upstairs neighbor heard the victim's door being broken open at approximately 2:30 A.M. on January 11, 1985. Testimony revealed that the apartment walls permitted relatively routine sounds to be heard from one apartment to the other. The neighbor immediately called the police who approached the scene with their lights off. An officer testified that he noticed defendant walking about thirty yards away from the victim's apartment and that when he spotted the squad car, defendant began to run. Another officer later captured defendant hiding near a church in the vicinity of the victim's apartment.

Evidence of footprints made in the snow near the victim's apartment were compared to defendant's shoes and it appeared that defendant's shoes could have made the prints. Defendant maintained that his car had broken down and that he was trying to reach a friend to give him a lift home. However, when the officers tried to start the car, they had no problem.

No identifiable fingerprints were found on the apartment door. However, the record shows that defendant was wearing gloves when he was captured. The victim testified that nothing was disturbed except for her sewing box. But her sewing box was a shoe box that did not indicate that only sewing materials were inside.

We note that much of the evidence is circumstantial. But direct and circumstantial evidence are equally probative and it is for the jury to weigh the evidence and decide its value. See State v. O'Connell, 275 N.W.2d 197, 205 (Iowa 1979). We conclude that there is substantial evidence in the record to support the jury's verdict, therefore the jury's decision is conclusive. We affirm the district court's judgment. **AFFIRMED.**