FILED
OCT 28 1982
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	Filed October 28, 1982
Plaintiff-Appellee,	)	314
vs.	)	2-334 / 67301
HERSHALL A. CARROLL,	)	
Defendant-Appellant.	)	

Appeal from Polk District Court, Rodney J. Ryan, Judge.

Defendant appeals his conviction of second-degree theft in violation of Iowa Code Sections 714.1(1) and 714.2(2). On appeal, defendant asserts that the trial court abused its discretion in refusing to declare a mistrial due to alleged prosecutorial misconduct in closing arguments. AFFIRMED.

Douglas F. Staskal, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General, and Richard L. Cleland, Assistant Attorney General, for plaintiff-appellee.

Considered by Oxberger, C.J., and Donielson, Snell, and Johnson, JJ.

PER CURIAM

Defendant appeals his conviction of second-degree theft in violation of Iowa Code Sections 714.1(1) and 714.2(2). On appeal, defendant asserts that the trial court abused its discretion in refusing to declare a mistrial due to alleged prosecutorial misconduct in closing arguments. We affirm.

The defendant has not obtained a bill of exceptions as provided by Iowa Rule Crim. P. 23.1.

In opening arguments, the prosecutor referred to a police officer's having obtained a photo of Carroll at the police station for use in enabling victims of the thefts to identify the thief. Carroll contends that this prejudiced the jurors against him, since they would reasonably have inferred from the fact that his photo was on file at the police station, that he had an arrest record. Carroll contends further that this was exacerbated by the prosecutor's statement, made during closing arguments that the photo was obtained from the police station. The closing arguments were not reported. The prosecutor denied the police station remark but admitted he said, ". . . of all the photographs in the world, what was it that caused Detective Hutzel to pick out the defendant's photograph as the thief and place it with four others?

It is incumbent upon the defendant to provide a record which affirmatively discloses the error on which he relies. State v. Bakker, 262 N.W.2d 538, 544 (Iowa 1978). We are therefore limited in our review to the prosecutor's admissions as reflected in the record.

It was reasonable for the jurors to infer that the police had used Carroll's photograph in the photographic lineup because both victims had supplied the police with a license plate number which happened to match that of the plates on Carroll's car.

In closing arguments, counsel is entitled to some latitude to analyze evidence admitted at trial. State v. Brewer, 247 N.W.2d 205, 215 (Iowa 1976).

We are not persuaded that the prosecutor's comments resulted in prejudice which prevented a fair trial. The trial court did not abuse its broad discretion when overruling the mistrial motion. State v. Cuevas, 288 N.W.2d 525, 536 (Iowa 1980).

AFFIRMED.