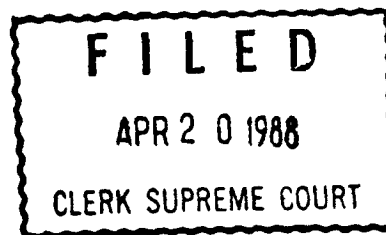


IN THE COURT OF APPEALS OF IOWA



STATE OF IOWA,)
Plaintiff-Appellee,)
vs.)
CRAIG MIKESELL,)
Defendant-Appellant.)

Filed April 20, 1988

8-61
86-1204

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Appeal from the Iowa District Court for Polk County (No. CR 31036) -
Richard A. Strickler, Judge.

Defendant appeals his conviction, following a jury trial, for second-degree murder. **AFFIRMED.**

Kermit L. Dunahoo of Dunahoo Law Firm, Des Moines, for the defendant-appellant.

Thomas J. Miller, Attorney General; Ann E. Brenden, Assistant Attorney General; James Smith, County Attorney; and William Thomas and Catherine Thune, Assistant County Attorneys, for the plaintiff-appellee.

Heard by Schlegel, P.J., and Sackett and Habhab, JJ.

SACKETT, J.

Defendant, Craig Mikesell, appeals his conviction, following a jury trial, for second-degree murder. The sole issue raised on appeal is whether the testimony of defendant's accomplices was sufficiently corroborated. We affirm.

Defendant was charged with first-degree murder. At trial, two of his accomplices testified as to defendant's role in the robbery and murder of the victim.

Iowa Rule of Criminal Procedure 20(3) provides:

3. Corroboration of accomplice of person solicited. A conviction cannot be had upon the testimony of an accomplice or a solicited person, unless corroborated by other evidence which shall tend to connect the defendant with the commission of the offense; and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof.

Corroborating evidence serves two purposes: (1) it tends to connect the accused with the crime charged; and (2) it serves as a counterweight against the dubious credibility of the accomplice whose testimony may be suspect based on the self-interest of focusing blame on the defendant. State v. Berney, 378 N.W.2d 915, 918 (Iowa 1985). Corroborative evidence need not be strong; any corroborative evidence tending to connect the defendant to the commission of the crime supports the credibility of the accomplice and is sufficient. State v. Doss, 355 N.W.2d 874, 879 (Iowa 1984); State v. Origer, 418 N.W.2d 368, 370-71 (Iowa App. 1987). Viewing the evidence in a light most favorable to the State, State v. Klindt, 389 N.W.2d 670, 676 (Iowa 1986), we find the trial court did not err in overruling defendant's motion in arrest of judgment and motion for new trial. We agree with the trial court that corroborative evidence existed to submit the case to the jury. The existence of corroborative evidence is a question of law for the court; the sufficiency of corroborative evidence is a question of fact for the jury. Doss, 355 N.W.2d at 880.

A witness testified he saw defendant in a car with one of the accomplices and three unidentified men on the night the crime occurred. The same witness made an in-court identification of defendant. One accomplice testified defendant planned the burglary and chose the victim's house in West Des Moines because he worked on a construction site near there. The accomplice testified defendant told them how many cars were usually parked at the victim's house. Defendant's foreman corroborated the accomplice's statements when the foreman testified that defendant was a construction worker building a new house in West Des Moines. A police officer testified it took about two minutes to travel from defendant's worksite to the victim's home. One of defendant's co-workers testified that on the afternoon before the crime occurred defendant did not eat lunch with his co-workers, which was unusual because defendant had always eaten lunch with them on other days. The co-worker testified that defendant left the worksite for just under half an hour.

We find that while these circumstances may be singularly unpersuasive, they are in their totality sufficient to submit the case to the jury to determine the weight of this evidence and the credibility of the witnesses. State v. Willman, 244 N.W.2d 314, 315 (Iowa 1976). We conclude the trial court did not err in this regard.

AFFIRMED.