FILED
AUG 30 1983
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed August 30, 1983
vs.	)	
HOWARD C. FIELD, a/k/a WILLIAM KOONS, JR.	)	3-129 / 67956
Defendant-Appellant.	)	

Appeal from Dickinson District Court - Tom Hamilton, Judge.

Defendant appeals his conviction for first-degree burglary in violation of Iowa Code §§ 713.1 and 713.2 (1981). AFFIRMED.

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

Thomas J. Miller, Attorney General, and Teresa Baustian, Assistant Attorney General, for plaintiff-appellee.

Heard by Oxberger, C.J., and Donielson, Snell, Schlegel, and Hayden, JJ.

DONIELSON, J.

Defendant appeals his conviction for first-degree burglary in violation of Iowa Code §§ 713.1 and 713.2 (1981). He claims: 1) there was insufficient evidence to support the jury's guilty verdict; 2) the trial court erred in admitting a mugshot of defendant; and 3) he was given ineffective assistance of counsel. We affirm.

Defendant was charged by information with the March 8, 1981, burglary of a trailer at Spirit Lake. He later filed notice of an alibi defense, alleging that he was in Topeka, Kansas, at the time of the burglary. He was convicted by a jury of the crime charged; the jury also found that he was in possession of a firearm at the time. Defendant was sentenced to a term not to exceed twenty-five years with a five-year minimum pursuant to Iowa Code § 902.7 (minimum sentence—use of a firearm). His posttrial motions in arrest of judgment and for a new trial were overruled, and he brought this appeal.

I.

Defendant claims that the trial court should have sustained his motion for directed verdict of acquittal because there was insufficient evidence of his guilt. We disagree. In examining claims of evidentiary insufficiency, we view all record evidence in the light most favorable to the State. State v. Robinson, 288 N.W.2d 337, 340 (Iowa 1980). In this case, four witnesses positively identified defendant as one of two men with whom they briefly conversed when the men were discovered inside a trailer belonging to one of the witnesses. Three of them testified that they observed defendant with a gun. Entry into the trailer had been forced, but nothing had been taken from it. The requisite intent to commit theft (see Iowa Code § 713.1) may reasonably be inferred from the evidence of surreptitious entry. State v. Sangster, 299 N.W.2d 661, 663 (Iowa 1980). The jury was certainly free to reject the alibi testimony of defendant's witnesses. State v. Schrier, 300 N.W.2d 305, 309 (Iowa 1981). There was sufficient evidence of defendant's guilt to justify

submission of that question to the jury. This issue is without merit.

II.

Defendant also alleges that the trial court erred in admitting into evidence a mugshot of defendant depicting his appearance at the time he was brought to Iowa from Kansas. The photo was admitted for the sole purpose of showing defendant's hairstyle at that time and that it was similar to the description given by the four eyewitnesses. We believe the photo was relevant to the issue of identity. We also believe the court was within its discretion in admitting this evidence over defendant's objection that its probative value was outweighed by its prejudicial effect. See State v. Fuhrman, 257 N.W.2d 619, 624 (Iowa 1977). Defendant's argument in this regard amounts to little more than a claim that all mugshots are inherently prejudicial and therefore inadmissible. We reject such a claim. See, e.g., State v. Davison, 245 N.W.2d 321, 323-24 (Iowa 1976), cert. den. 430 U.S. 955, 97 S. Ct. 1600, 51 L. Ed. 2d 805. Other than the fact that the photo is a mugshot, defendant makes no other specific claim of prejudice. The trial court did not abuse its discretion in admitting the photo.

III.

Finally, defendant claims that he was given ineffective assistance of counsel at trial. The record is insufficient on this direct appeal for us to make a determination of defendant's claim at this time.

Defendant's conviction and sentence are affirmed.

AFFIRMED.