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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	251 Filed October 28, 1987
vs.	)	
BARRY PAUL BLACK,	)	7-331 86-1423
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Scott County (No. 124670-01), James R. Havercamp, Judge.

The defendant appeals from the judgment and sentence entered upon his conviction of sexual abuse in the second degree, claiming the State did not present sufficient evidence to warrant a jury finding him guilty. **AFFIRMED.**

Charles L. Harrington, Appellate Defender, and Michael J. Laughlin and Dory A. Sutker, Assistant Appellate Defenders, for defendant-appellant.

Thomas J. Miller, Attorney General; Lona Hansen, Assistant Attorney General; and Virginia D. Barchman, Assistant County Attorney, for plaintiff-appellee.

Considered by Oxberger, C.J., and Schlegel and Sackett, JJ. Snell, J., takes no part.

PER CURIAM

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On May 23, 1986, the appellant, Barry Paul Black, was charged by trial information with sexual abuse in the second degree. See Iowa Code § 709.3(2) (1985). Trial commenced on September 8, 1986, and, one day later, the jury returned a verdict finding Black guilty as charged. Black filed an unsuccessful motion for new trial and, on September 25, 1986, was sentenced to an indeterminate term of incarceration not to exceed twenty-five years. This appeal followed. Our review is limited to the correction of legal errors. Iowa R. App. P. 4.

Black poses a single issue for our review. He contends the evidence produced at trial was insufficient as a matter of law to support the court's verdict. The principles which guide our review of the sufficiency of the evidence were outlined in State v. McFadden, 320 N.W.2d 608, 614 (Iowa 1982), as follows:

> [T]he evidence is viewed in the light most favorable to the State; that all of the evidence must be considered, and not just that which supports the verdict; that the verdict must be upheld if supported by substantial evidence; and that substantial evidence means such evidence as could convince a rational trier of fact that the defendant is guilty beyond a reasonable doubt.

In addition, we allow the State all legitimate inferences and presumptions which may fairly and reasonably be deduced from the record evidence. State v. Blair, 347 N.W.2d 416, 419 (Iowa 1984). Direct and circumstantial evidence are equally probative in our analysis. State v. Duncan, 312 N.W.2d 519, 522 (Iowa 1981); see State v. O'Connell, 275 N.W.2d 197, 204-05 (Iowa 1979).

The charge against Black stems from allegations that he had sexual contact with a two-year-old boy who had attended a birthday party given for Black's son. The State's key witness was a ten-year-old girl who had attended the party. She testified that she saw the contact occur in the basement of Black's home. Parts of her testimony conflicted to some degree with that given by other wit-

nesses. Black contends the record testimony of the witnesses, when considered as a whole, provides such inconsistencies as to render the verdict without substantial support. The determination of the credibility of the witness and the weight of testimonial evidence is, however, the jury's function. State v. Robinson, 288 N.W.2d 337, 341 (Iowa 1980). The resolution of evidentiary inconsistencies is a part of this determination. State v. Young, 172 N.W.2d 128, 129 (Iowa 1969). The jury obviously believed the State's key witness; they were certainly within their authority in doing so.

AFFIRMED.