FILED
FEB 25 1987
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	237
Plaintiff-Appellee,	)	Filed February 25, 1987
vs.	)	
BILLY GENE HOWARD,	)	7-40 86-888
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Tama County (CR 2112) - August F. Honsell, Jr.

Defendant appeals from his conviction, following a jury trial, of burglary in the second degree. **AFFIRMED.**

Charles Harrington, Chief Appellate Defender, and Michael J. Laughlin, Assistant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General of Iowa; Lona Hansen, Assistant Attorney General; and Richard VanderMey, Assistant Tama County Attorney; for plaintiff-appellee.

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

PER CURIAM 238

Defendant appeals from a jury conviction wherein he was found guilty of burglary in the second degree in violation of sections 713.1 and 713.5 of the Iowa Code and being an habitual offender in violation of section 902.8 of the Iowa Code.

Defendant claims on appeal there was insufficient evidence presented by the State to warrant a rational trier of fact to find him guilty of burglary in the second degree. We do not agree and affirm the conviction.

The record reveals two witnesses observed a man at the Mobil gasoline station at about 2:00 a.m. on November 17, 1985, in Traer, Iowa. The station was not open for business. The man ran back toward the woods behind the station. Neither witness could positively identify the man. A deputy sheriff discovered defendant in a car parked off the road near the woods at about 3:10 a.m. Defendant told the officers his car had frozen up and the radiator had boiled over. Defendant also told the officers he had gone to a farm house to get water, but had been unable to awaken the farmer or no one was there, and had come back to the creek to get water to put in the radiator. He had used an antifreeze jug to put the creek water in. The officers testified the car radiator was full of antifreeze with no evidence it had boiled over. They further testified there was a farmstead but no farm house a half mile in the direction defendant indicated; also, the water in the jug was clear while the creek water was muddy. The evidence further showed the sole of defendant's boots had a bar-type pattern with small bars in it similar to the pattern shown in a partial footprint inside the station and a footprint found behind the station toward the woods.

Although we have not recited all of the evidence in the record, we conclude the portion we have set out in the above paragraph is sufficient to support the jury's verdict. Direct and circumstantial evidence are equally probative. Iowa

R. App. P. 14(f)(16). It is for the jury to determine the weight of the evidence and the credibility of the witnesses. State v. Robinson, 288 N.W.2d 337, 341 (Iowa 1980). The verdict must be upheld if supported by substantial evidence, and substantial evidence means such evidence as could convince a rational trier of fact the defendant is guilty beyond a reasonable doubt. State v. McFadden, 320 N.W.2d 608, 614 (Iowa 1982).

AFFIRMED.