IN THE COURT OF APPEALS OF IOWA

FILED
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CLERK SUPREME COURT

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STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed February 25, 1987
vs.	)	6-549 86-1007
MONROE JOHNSON,	)	
Defendant-Appellant.	)	

Appeal from the Iowa District Court for Woodbury County (No. Cr 41964) - Richard J. Vipond, Judge.

Defendant appeals from conviction following a jury trial contending there is insufficient evidence to support his conviction. **AFFIRMED.**

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

Thomas J. Miller, Attorney General; Ann E. Brenden, Assistant Attorney General; and Peter E. Van Etten, Assistant Woodbury County Attorney, for plaintiff-appellee.

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

PER CURIAM

The defendant appeals from his conviction following a jury trial of serious criminal trespass in violation of Iowa Code §§716.7 and 716.8(2) (1985). We affirm.

On November 23, 1985, Defendant Monroe Johnson left the apartment of Vicki Kratz and Rhonda Stolpe after accusing Vicki of having an affair and allegedly threatening to "kick her ass" if she did not have the "right answers" upon his return. Prior to his departure, Vicki gave him the key to the apartment. Vicki subsequently locked the door and pushed a sofa in front of it. When the defendant returned about midnight, he found that his key would not open the door. After his cries of "why won't you let me in?" elicited no response, the defendant broke down the door and entered the apartment. He then found Vicki hiding in a closet and proceeded to beat and kick her.

At trial, both women denied giving the defendant permission to enter the apartment on the evening in question. Further evidence adduced (1) that the defendant and Vicki have had two children together and were attempting a reconciliation, (2) that Vicki had given the defendant her only key over a week earlier to allow him free access to the apartment, (3) that although Vicki had obtained the key from the defendant earlier on the day in question, she returned it prior to his departure because she was allegedly afraid that her refusal would cause him to "go off" on her, and (4) that Vicki and Rhonda never expressly informed the defendant that permission for him to enter the apartment had been withdrawn.

The defendant contends the trial court erred in overruling his motion for acquittal since the state allegedly failed to present sufficient evidence that he entered the apartment without express permission, an essential element

of the crime charged. He maintains express or implied permission to enter may be gleaned from (1) his attempted reconciliation, (2) his previous welcome and access to the apartment, and (3) his obtaining the key on the evening in question to effectuate his return.

In reviewing the sufficiency of the evidence we consider the evidence in the light most favorable to the state. State v. Robinson, 288 N.W.2d 337, 340 (Iowa 1980). We consider all the evidence not just the evidence which supports the verdict. Id. The verdict must be supported by substantial evidence. Id. at 339.

While the defendant had been welcome at the apartment before, there is evidence he did not have permission to enter on the night in question. Furthermore, while defendant did have a key, the occupants of the apartment had latched the door to prevent entry with a key and put a sofa to the door. When defendant's key would not open the lock he pushed on the door while it was being held shut by Stolpe. Finally, to obtain entry defendant actually broke down the door.

Under these facts we find there is sufficient evidence to support the verdict. Defendant's conviction is affirmed.

AFFIRMED.