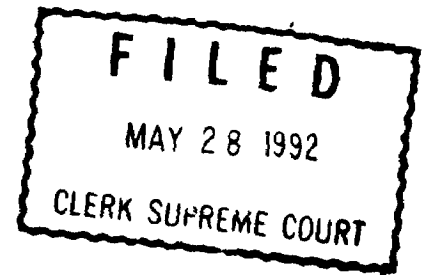


IN THE COURT OF APPEALS OF IOWA

No. 2-150 / 91-273



STATE OF IOWA,

Appellee,

vs.

DARRELL DEAN SHOLLEY,

Appellant.

1248

Appeal from the Iowa District Court for Tama County,
Lynne E. Brady, Judge.

Defendant appeals, following a jury trial, from his conviction and sentence for burglary in the first degree and possession of firearms by a felon. **AFFIRMED.**

Linda Del Gallo, State Appellate Defender, and Patricia Reynolds Lapointe, Assistant Appellate Defender, for appellant.

Bonnie J. Campbell, Attorney General; Richard J. Bennett, Assistant Attorney General; Brent D. Heeren, County Attorney; and Richard Vander Mey, Assistant County Attorney, for appellee.

Considered by Oxberger, C.J., and Donielson and Schlegel, JJ.

PER CURIAM

Darrell Dean Sholley and Thomas Edward Olsen were jointly charged with and convicted of burglary in the first degree and possession of firearms by a felon following their arrest for breaking into a residence and stealing several items including firearms. Like Olsen, Sholley had filed a pretrial motion to sever his trial from that of his codefendant. Both also filed motions to adjudicate law points, maintaining the minutes of testimony did not support the charge of first-degree burglary. The district court denied their motions.

Olsen's conviction was affirmed by the Iowa Court of Appeals in State v. Olsen, No. 1-521/91-291 slip op. (Iowa App. filed Jan. 29, 1992), and no application for further review was filed. The arguments raised by Sholley in this appeal are identical to those which were squarely addressed and rejected by this court in Olsen's appeal. We affirm Sholley's conviction as well.

The costs of this appeal are taxed to Sholley.

For all the reasons stated, the judgment of the district court is affirmed.

AFFIRMED.