FILED
JUN 28 1979
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,)
Plaintiff - Appellee,) Filed June 28, 1979
vs.)
SHARON KAY BECKEL,) 95/62258
Defendant - Appellant.)

Appeal from Page District Court - R. K. Richardson, Judge.

Defendant appeals from the district court's affirmance of the magistrate court's decision finding her guilty of disorderly conduct, alleging several errors, including lack of evidence to support the charge. - Affirmed.

Richard Davidson, of Davidson & Hemphill, Clarinda, for Defendant - Appellant.

Thomas J. Miller, Attorney General of Iowa, Lona Hansen, Assistant Attorney General, and Monty Fisher, Webster County Attorney, for Plaintiff - Appellee.

Heard by Oxberger, C. J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Defendant, Sharon Kay Beckel, appeals from the district court's affirmance of the magistrate court's decision finding defendant guilty of disorderly conduct in violation of a Fort Dodge city ordinance. The charge stemmed from conduct displayed by defendant at the city police station following her arrest on another charge. Defendant claims her conduct was defensive reaction on her part to physical mistreatment received by her from the police. We affirm the district court.

I. The State contends this court does not have jurisdiction to hear this appeal. The State asserts that section 814.6, Supplement to the Code 1977, which provides for discretionary review of ordinance violations, should govern in this case. The defendant did not apply for discretionary review but filed notice of appeal.

We disagree with the State. The State's technical argument is not supported by section 801.5, Supplement to the Code 1977, which states: "[t]his Act does not apply to offenses committed before its effective date." The new criminal code took effect on January 1, 1978. Defendant was charged with her crime in August of 1977. The 1977 Code applies. Pursuant to notice by the district court and to chapter 793, The Code 1977, defendant properly filed a notice of appeal. This court, consequently, has jurisdiction over this matter.

II. Defendant raises issues concerning the propriety of the charge, the failure to offer into evidence or to take judicial notice of a city ordinance, and the failure of the police to grant defendant immediate bond when she was charged. Defendant also asserts the defense of entrapment. None of these matters were raised at the magistrate's hearing or at trial in the district court. The State maintains defendant failed to preserve error and, thus, is barred from raising these issues on appeal.

Appeal from rulings in magistrate court are taken pursuant to section 762.43, The Code 1977. Trial in the district court is de novo. City of Des Moines v. Putzier, 264 N.W.2d 733, 735 (Iowa 1978). The district court trial is held as if there had been no proceeding in magistrate's court. Id.

Furthermore, appeals from the district court to the supreme court are to be taken in the same manner as from a judgment in a prosecution by indictment. Similar proceedings occur on appeal in all respects. Section 762.44, The Code 1977. It follows, therefore, that rules governing appeals from convictions by criminal indictment also

govern appeals from district court convictions for nonindictable offenses.

It is well established that matters not raised at trial or on posttrial motion will not be considered for the first time on appeal. State v. Jump, 269 N.W.2d 417, 430 (Iowa 1978); State v. Rand 268 N.W.2d 642, 650 (Iowa 1978); State v. Uebberheim, 263 N.W.2d 710, 712 (Iowa 1978). Since the issues above were not raised at the trial in district court, defendant cannot be heard to raise them for the first time on this appeal.

III. Defendant also claims that sufficient evidence does not exist to support the charge. Again, defendant did not raise this issue in the court below. The requirement that an issue be raised in the court below to preserve it for appellate review applies generally to claimed errors of all kinds. State v. Holbrook, 261 N.W.2d 480, 482 (Iowa 1978). Defendant's failure to preserve error on this issue by a motion for a directed verdict at the close of all the evidence or by a motion for a new trial may be deemed a waiver. State v. Cowman, 212 N.W.2d 420, 422 (Iowa 1973).

Nonetheless, we feel disposed to note that our review of the record in a light most favorable to the prosecution would lead us to conclude that substantial evidence exists to support the verdict. State v. Jones, 271 N.W.2d 761, 763 (Iowa 1978).

AFFIRMED.