FILED
MAR 3 1 1987
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

391

STATE OF IOWA,)

Plaintiff-Appellee,) Filed March 31, 1987

vs.)

MARVIN ALLEN MEAD,) 6-517
86-869

Defendant-Appellant.)

Appeal from the Iowa District Court for Scott County (No. 123142) Margaret S. Briles, Judge.

The defendant appeals from consecutive sentences imposed upon his guilty pleas to burglary in the first degree and two counts of sexual abuse in the third degree. **AFFIRMED BY OPERATION OF LAW.**

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

Thomas J. Miller, Attorney General; Lona Hansen, Assistant Attorney General; and Realff H. Ottesen and Victor Dietz, Assistant Scott County Attorneys, for plaintiff-appellee.

Considered by Schlegel, P.J., and Hayden and Sackett, JJ. , but decided en banc.

The defendant appeals from consecutive sentences imposed upon his guilty pleas to burglary in the first degree and two counts of sexual abuse in the third degree. Judges Donielson, Hayden, and Sackett would affirm the trial court. Chief Judge Oxberger and Judges Snell and Schlegel would reverse the trial court. Pursuant to Iowa Code section 602.5106(1) (1985), the decision of the district court is affirmed by operation of law.

AFFIRMED BY OPERATION OF LAW.