

FILED

MAR 23 1988

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

STATE OF IOWA,	)	
Plaintiff-Appellee,	)	Filed March 23, 1988
vs.	)	<u>7-376</u>
JON D. WILLIAMS,	)	86-1123
Defendant-Appellant.	)	181

Appeal from the Iowa District Court for Pottawattamie County (No. 20018),
Leo F. Connolly, Judge.

Defendant appeals his conviction for first-degree murder in violation
of Iowa Code section 707.2(1). **AFFIRMED BY OPERATION OF LAW.**

Charles Harrington, Chief Appellate Defender, and John P. Messina, Assis-
tant Appellate Defender, for defendant-appellant.

Thomas J. Miller, Attorney General; Richard J. Bennett, Assistant Attorney
General; and Joseph J. Hrvol and Richard J. Hauser, Assistant Pottawattamie
County Attorneys, for plaintiff-appellee.

Heard by Oxberger, C.J, and Donielson and Sackett, JJ., but considered
en banc.

PER CURIAM

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Defendant appeals his conviction for first-degree murder. Judges Donielson, Sackett, and Habhab would affirm the trial court. Chief Judge Oxberger, Judges Schlegel and Hayden would reverse and remand for new trial. Pursuant to Iowa Code section 602.5106(1) (1987), the decision of the district court is affirmed by operation of law.

AFFIRMED BY OPERATION OF LAW.